Supreme Court, U.S.
FILED

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No.

In the
Supreme Court of the United States

ESHED ALSTON, AKA JERRY L. ALSTON,
Petitioner,

v.

DELAWARE SUPREME COURT, ET AL.,
Respondents.

On Petition for Writ of Certiorari to the Supreme Court of the State of Delaware

PETITION FOR WRIT OF CERTIORARI

ESHED J.L. ALSTON
406 ARNOLD COURT
GENERALS GREENE
DOVER, DELAWARE 19901
(302) 264-9568

Petitioner pro se

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QUESTIONS PRESENTED

Is the U.S. Supreme Court a once great institution, currently a corrupt institution and a decadent organization over the past 20 years? Is the U.S. Supreme Court responsible for the fall of American culture over the past 20 years, and currently? Are the U.S. Supreme Court Justices responsible for the decay in American culture in the same way the Judges of Rome, Babylon, Sodom and Gomorrah ignored **GOD** and were absolutely responsible for the judgment of **GOD** on the cultures of their times and are responsible for the decline of our current final culture predicted in the Bible as that of the harvest of the ripe figs?

Is this 13 year ongoing case file on appeal through Writ in terms of the six Witham examples, sufficient evidentiary proof of institutional corruption, specifically racism, racketeering, obstruction of justice, and racial profiling, in the Delaware Courts, through those named judges herein sufficient proof for the U.S. Supreme Court to finally act?

How long can or will the Justices of the U.S. Supreme Court permit these 6 cases on appeal filed by a non Caucasian non lawyer American citizen against Judges and incompetent lawyers that are caught in illegal misconduct continue? This is an appeal to the JUSTICES not the Clerks of the U.S. Supreme Court after 13 years and the first instance of presentation of these issues on appeal to the U.S. Supreme Court, through the Clerks thereof whereas previous filings regarding these Complaints have been sent back to the appellant by the Clerks who have no independent power or authority to do so?

Does not the articulated unconstitutional court standard expressed by the Delaware Supreme Court in the 1999 Order 413 decision of Judges Berger Veasey and Harnett blatantly illegally racial profiling that requires review and the granting of the writ?

Given the legal parameters of a valid Rule 56 motion, does not the articulated UNCONSTITUTIONAL standard maintained by the current Judges Ridgely Steele and Holland of the Delaware Supreme Court created and maintain racist **Coded Case Law** in violation of the Rule 56? Should not the unlawful record be permanently sealed below to prevent any further misuse by exploitation of any other Black litigant by any other incompetent lawyers to use as did White and Williams LLP and Balaguer use in 2008-9?.

In applying the facts to the law and the law to the facts was not the failure to adhere either required affidavits, depositions, or any sworn statements, to the dismissal motion defendants filed a **fatal flaw** that Judge Witham "treated" as a valid Motion for Summary judgment clear violation of Court Rule 56 and 10 Sec.8119 dispositive and controlling provisions invoked below and identified State law had been misapplied maliciously nevertheless 8119 did and does as a matter of law control the lawful activities of the Court and holds to accountability actions outside of the Rule, impels the seven judges like a gaff to the provisions of Rule 10, Sec. 8119 was created by Legislative intent to prevent racist actors from using color of law as shield? Is it not true through coded case law defendants have circumvented both Rule 56, 10 and application of Rule 12(b)(6)?

In applying the facts to the law and the law to the facts was not the Rule of Civil Procedure 56 altered when Judge Witham illegally "**treated**" Balaguers Motion as one for summary Judgment in apparent admission that Judge Witham was aware his conduct was outside of the Rule of law and thus illegal? Is not the conduct of peddling the Courts influence predicated on race as a unchecked pattern of conduct in the furtherance of malicious persecution and unlawful felonious obstruction of justice in the creation and maintenance of **racist illegality of coded case law** in violation of the R.I.C.O. Statute significant enough **6 times** for indictments of the past and current judges implicated? Is not the factual continual existence of long term racist conduct perpetual in fact?

In consideration of the foregoing Rule 10 Sec.8119 standards are not 6 examples relevant to compelling circumvention of the State Court's Random Assignment of Judges Rule inherent in a Delaware Court? Is not Witham caught in an illegal acts **each time** he violated the Rules? Thus each time Judge refused to recuse to be in position to injure appellant Witham's racially acts in malicious persecution repeatedly motivated by hatred of appellant as a long term pattern of conduct and activities over 13 years manifestly the factual definition of objectionable unconstitutional institutional and organized racial profiling, consistent long term demonstration of racism manifest in the denial of liberty or random assignment of the Judge? Is not and does not a pattern of conduct constituting obstruction of justice a felony require indictment, as a actionable Federal race crime? Is not the denial of due process of law in nonexistent application of required equal protection of the law by

Witham repeatedly cruel and unusual and unconstitutional?

Does not the current ongoing radical actual existence of two standards created and maintained by Judge Witham at all times condoned assisted and aided and abetted by the named Delaware Supreme Court justices about appellant **in cruel and unusual coded case law** illegal? Does not the existence of federal case law in direct conflict with the State used against appellant by incompetent Caucasian lawyers complained of in conflict with contrary setting of precedent by the appellant beyond the State Court level below? Is not the articulated affirmative standard for Caucasians lawyers, only compared and in contrast with a unreasonable capricious and contrary less stringent inferior standard for dismissal of complaints for minorities only in conflict with the ROBINSON PRECEDENT OF 2002 and the ALITO PRECEDENT OF 2005 the other a inferior less stringent dismissal standard for complaints when filed by this Pro se litigant of color inherently illegal, unreasonable, egregious, unconscionable, and in conflict with the sound ALITO ROBINSON precedent in clear violation of Constitutional law invoked?

Regarding 10 Sec.8119 in the context of mandatory application of the **Random Assignment of Judges Rule** created by legislative intent to prevent judicial abuse of process and authority through random distribution of judicial assignments? Has the Rule been violated 0 cases assigned to Judge Young 1 case to Judge Vaughn and 7 cases assigned to Judge Witham all cases dismissed and demand for recusal accept the last one denied, purposefully intentionally and repeatedly placing himself in a position to dismiss

valid complaints below, implicates Judges below or are you truly corrupt and not know that 0, 1 and 7 is not possibly random and absolutely requires human intervention?

Judges of the Delaware Supreme Court believe 0, 1, and 7 occur as a matter of natural random distribution and found no reason to review Witham's 6 decisions in 13 years do you concur? Patricia Schwartz explained the consequences of Black citizenship on the final page 69 of the ODC transcript as rebuttal to plaintiff's citation of Justices Alito and Robinson orders out of Federal Courts "the Delaware Supreme Court has the inherent authority to regulate the practice of law in Delaware what the Federal Court System in Delaware chooses to do has no impact on what the Supreme Court of Delaware choose to do" Federal Civil Rights precedents are irrelevant" in a "State Court"? This relevant fact was admitted by the State through its agent ODC Patricia Schwartz? It is and was the Delaware Supreme Court that aided and abetted the criminal acts complained of actively and consistently protecting Judge Witham are they not culpable and complicit with him?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Specifically named in the complaint are specifically the Delaware Supreme Court as an entity, and The Delaware Superior Court as an entity in particular Justices Berger, Harnett, Veasey, Holland, Steele and Ridgely and specifically Judge Witham is named whereas Patricia Bartley Schwartz and Andrea Roccaneelli and John Balaguer and William Doerler and Danielle Yearick as per the example noted on the record are named herein is WHITE WILLIAMS LLP who and that are named and do appear in the caption.

Court Order No **717** 2009 ALSTON v. **ODC** Submitted Jan 6 2010 decided **Mar.1 2010**

Court Order No. **607** 2001 ALSTON v. WITHAM

Court Order No. **554** 2008 ALSTON v. WHITE AND WILLIAMS LLP

Court Order No. **582** 2008 ALSTON v. DELAWARE SUPREME COURT et al.,

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OPINIONS BELOW

Three current actions are identified below. Two past Orders **413 1999** before Judge Berger Veasey and Harnett and Order 607 before Judges Ridgely Steele and Holland in 2001 are identified in the opinions below. Three current actions as follows' are noted Orders dismissing cases **581** and **582**, FINAL order from the Delaware Supreme Court the highest State appellate Court whereas a final decision can be rendered was **MARCH 1 2010.** (Apx. A). Appeal is taken through writ filed within 90 days from the FINAL ORDER by the Delaware Supreme Court a named APPELLEES below as is the Board on the Unauthorized Practice of Law specifically Andrea Roccanelli and Patricia Schwartz are named Defendants below. The origin of this case on appeal through writ starts with the consistent link from the beginning, Superior Court now Supreme Court Judge Ridgely named in the complaint in both capacities as profoundly racist in 1997 and now one of the Judges of record in 2010. Origin of the case law appealed from is wrongful dismissal of plaintiff's suit against the law firm of Hudson Jones et al., and the State in 1999 plaintiff had defeated in 1997. Judge Bifferoto's intent acting on behalf of Judge Ridgely's motives was to benefit the States interest and his friends, his colleagues and the lawyers at the law firm of Hudson Jones et al. The first actor on appeal is Judge Ridgely's illegal use of case law created by Judges Berger Veasey and Harnett.

Order 413 1999 essentially mandates that the successful appellant that had defeated several lawyers in 1997 be artificially held to a standard less than the established fact the appellant had demonstrated

superior skills than the proven incompetent corrupt lawyers representing Hudson Jones et al., and a attorney of skill and integrity such as James Handley was representing the Department of Labor Unemployment Insurance Division.

JURISDICTIONAL STATEMENT

The date on which the highest state court decided my case was Mar. 1, 2010. A copy of that decision appears at Appendix A. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The 14th Amendment to the U.S. Constitutions absolute immutable legal requirement of guaranteed due process of law and of the equal protection of law for ALL citizens outlaws the practices and unlawful activities asserted on appeal. The 1st Amendment Constitutional Right to the unobstructed freedom of religious expression is invoked as identified in this case file as a key routinely violated Right by the Delaware Courts and judicial system in disrespect of **GOD** and minority citizens. The Civil Rights Act of 1964 and 1990 as amended are asserted and invoked herein and below. The R.I.C.O. **Racketeering Influence and Corrupt Organization** Statute Title18 Crimes and criminal procedures are invoked herein and below. The KKK act was invoked below. The proper established and settled application of Rule 56 of the Federal Rules of Civil procedure the same procedural Rule 56 in improper operation and illegal application at the State Superior Court level by Judge Witham and by the Delaware Supreme Court, Rule 56,

was invoked in both the Delaware Supreme Court and Superior Court below pursuant the improper application of the provisions of Rule 56 by Judge Witham. Random assignment of Judges is the Rule in a Delaware Court that is consistent with application of compatible Statute 10 that was violated by Judge Witham in clear sight of the Delaware Supreme Court. Controlling State law is herein invoked pursuant to Delaware Court and Judicial Procedural Rule 10 Sec. 8119 on appeal herein and below. Rule 10 Sec. 8119 voids irrational racist or wrongful. application of the States immunity Statute 10 Del. C. Sec. 4001 as a matter of law. The U.S. Constitutions Supremacy Clause is pled herein and was pled below. The U.S. Constitution Article 1 Sec.1 is invoked U.S. Constitution Amend. XIV Sec.5.D. The whole course of proceeding is invoked. U.S. Constitutional right of free speech under the 1st Amendment was invoked below. U.S. Constitution Amendment 7 Absolute right to Jury Trial guaranteed by law is among protected rights routinely denied at the State Court level due to internal corruption is invoked herein and below. The U.S. Civil Rights Act of 1964 is invoked herein and below. The United States Code is invoked pursuant to application of provisions of 42 U.S.C. Sec.1981, and 1985, and 1983 the Ku Klux Klan act. Herein and below The U.S. Code is invoked as follows, 28 U.S.C. Sections 1343 generally and Sec.1343(a)(1) action to recover money damages and 1343(a)(2) action for conspiracy and 1343(a) as an action involving Civil Rights denied by the State as a noted deprivation **under color of law** regarding the ODC and conspiracy between Patricia Schwartz and WHITE WILLIAMS LLP is invoked herein and below. Superior Court Civil Rule 12(b)(6) and 12(c) and 12(e) and 12(f) are invoked. Regarding Rule 12(b)(6) it is a mandatory

Rule, in this case it is applied with the overlapping provision of 8119 and application of Rule 56. Witham is a criminal and should be treated as such. The violated Canons of judicial authority were pled below and are invoked herein. The Delaware Constitution of 1897 Article 1 Sec.8 is invoked as is the Delaware Constitution of 1831 invoked herein and below and on appeal.

STATEMENT OF THE CASE

IN THE ANALOGY OF THE CHAMPION BLACK BOXER

There is one **GOD SUPREME** and **HE** is called by many names. **HE** is the same yesterday, today, tomorrow, and forever. **HE** is in control of **ALL** flesh and blood. Separation of Church and State is acknowledged as a cornerstone principle of American law and history. Equally acknowledged, as a cornerstone principle of both American law and history, is the inextricable presence from the beginning of the establishment of American law and history of the authority of Christ. The inextricable doctrines of the Bible, Jesus inspired were present without intelligent dispute from the beginning. The existence of the phrase IN **GOD** <u>WE TRUST</u> on American currency since the beginning, seals the nation founded under the number of Pentecost 50, which breaks down to **GOD'S** perfect number 49 leaves and one seed, the first State of Delaware from which the leaves sprouted a new nation. In **GOD** we trust is appropriate as inspiration and as authority, as eternally symbolic notice to the world of flesh and blood of America's permanent relationship with **GOD**. **IN GOD WE TRUST** is mans dedications and certifications from

GOD that America is the chosen of **GOD** and unique as a Christian nation, in these Biblically prophesied last days of the harvest. America **was** blessed as a Christian Nation under **GOD**. There is one **GOD** sovereign and **Supreme**, this is the initial and unchanging premise argued on appeal. America is currently a fallen nation like ancient Sodom and Egypt, as prophesied America is under the judgment of **GOD**. The question is raised is the U. S. Supreme Court a key historical American institution currently under **GOD'S** authority or not the issue of choices is the core issue on appeal. It was the U. S .Supreme Court that took prayer out of American schools, and at the same time under the First Amendment permits the cursing of **GOD'S** Holy name as acceptable free speech, the U.S. Supreme Court is the public institution that institutionalized the murder of countless millions of unborn American babies and condones the homosexual communities existence that **GOD** forbade and destroyed Sodom for. Plaintiff below appellant employs the analogy of the Black licensed Para-Legal Champion boxer known for knocking out licensed incompetent Caucasian lawyers boxers. In the case of record In The Supreme Court of the State of Delaware Order 413 1999 page 8 of Jerry Lee Alston Plaintiff Below Appellant versus Hudson, Jones, Jaywork et al. and the Delaware Dept. of Labor. The racist Berger standard of 2000 expressed below is unconstitutional and inconsistent with the material facts and is blatantly unlawful. Order 413:" A Pro se complaint is **HELD to** a somewhat **(less stringent standard for dismissal)** than formal pleadings drafted by lawyers" The illegality of the Delaware Supreme Courts **case law**, created because of appellant's documented ability to defeat lawyers without assistance of legal counsel is presented in the

reason for granting the writ of Certiorari section of the brief. Appellant was obstructed by current actor Judge Ridgely, asserted herein and below as political oppression consistent with the goals and objectives of Republican Party politics, that are the driving forces behind Judge Ridgely's corrupt activities. The Court imposed biased statement above relative to lawyers, regarding the Court in contrast and comparison with non lawyers is not benign, in application or in effect it has racial impact to the unsuspecting minority public. Pro Se Litigants within the State of Delaware then and now are **over 98% Black or poor or Amer-African persons of color** that are artificially **HELD** (By the all Caucasian Court and Judges) To a somewhat **less** stringent standard than white lawyers for dismissing **Prose complaints.** Exactly what is a somewhat **LESS STRINGENT** standard for DISMISSALS? Such illegal practices and standards are instant violation of the Supremacy Clause. Delaware bar association figures note 98% of the lawyers in State are Caucasian. Whereas 98% of the Pro se litigants are poor non Caucasians in application the directives are blatantly racist in impact. The Court imposed standard of conduct is in conflict with the Equal Protection of the Law and due process of Law intentionally corrupted before VEASEY, CHIEF Justice HARNETT and BERGER Justices. Immutable Constitutional guarantee for all citizens absolutely requires Order 413 1999 decided March 7 2000 be overturned and expunged on appeal. The invoked Delaware Supreme Court Task Force on Racial and Ethnic Fairness Report of 1996 in its 238 pages addressed these issues of the Court's racist tendencies. This document is incorporated into this action on appeal through reference thereto as to the State Courts knowledge regarding documented racism

by the Delaware Supreme Court justices themselves prior to the conspiracy by the Delaware Supreme Court in obstruction of justice a felony complained of on appeal. The existence of the Task Force Report of 1996 documents the Courts prior knowledge that the racial discrimination was a real fact at issues known by the Judges to exist prior to the Order of 2000 and subsequently repeated the racist acts exposed herein suggest a cover up. The Court was not and is not part of the solution of judicial racism or the problem of institutional bias rather it is the cause and active agent of abuse, documented in a 13 year to current case file. There is inextricability between judicial corruption, and the falling away from **GOD** in terms of a corrupt spirit. Evil intent relates to ongoing racism and inequality at the State level now before the U. S. Supreme Court through Certiorari. The corruption of **denial of access** to the U.S. Supreme Court Justices as an institutional objective and or directive of the U.S. Supreme Court Clerks is objected to and exposes a **flaw in the U.S. Supreme Court procedures.** The Court Rules forbid the practice, limiting the operation of the Clerk after the first instance of presentation of the Writ to this Court. Access to review is intrinsically connected to the actual as opposed to the hypothetical receipt of the equal protection of law and due process of law or denial thereof.. The proposition is contemporary America is a fallen Nation once under the covenant and authority of **GOD.** The very best example of the fall of this great **GOD** fearing Nation in recent years is this unique precedent setting case purposefully and apparently ignored by the U.S. Supreme Court through repeated manipulation by the Clerks thereof, exposing corrupt Delaware Judges and incompetent Caucasian lawyers have their basis in a basic fundamental inequality of access to review

unconstitutionally denied by the Clerks of the U.S. Supreme Court. Institutional racism is not a victimless crime, however it is in fact criminal conduct.

The initial complaint filed **May 16 2008** has its origin in 2000, inherent in Order 413 in the Delaware Court system below documenting unlawful inequity of opportunity at issue asserted under required application of the 14th Amendment of the U.S. Constitution for ALL citizens. The past and current oppressions complained of on APPEAL are institutional in nature and are based on disrespect of and for **GOD'S** authority predicated on the believed superiority of the Caucasian race, and status, resulting in statusism and social elitism, factors of unlawful racism results. Four inextricably connected cases Court Order **413** filed in 1999 and **582** Jerry L. Alston and Triple 7 Para--Legal Services Plaintiff Below Appellant v. White and Williams LLP and Marc S Casarino Defendant below Appellees and **554** Jerry L. Alston and Triple 7 Para-Legal Services Plaintiff below Appellant v. Delaware Supreme Court as a legal entity and CHIEF JUSTICE Veasey Judges Harnett and Berger and the Unauthorized Practice of Law. The final order there from the States highest State Court was dated **1 March 2010** from the Delaware Supreme Court on appeal. The initial filing of written Complaint of malicious harassment through verbal threat and complaint of violation of federal and State law and Constitutionally protected Civil Right of unobstructed civil complaint non arbitration jury trial demanded received May 16 2008 in the Delaware Superior Court is the primary source of evidentiary proof of the corruption complained of necessary to win the reversal to full dollar value sued for on appeal and or reversal, in the alternative remand to jury trial in Dover as a

demand as remedy and relief sought in favor of justice and the Appellant's interest. These are federal race crimes done in the furtherance of racial profiling. The violation of peddling the Courts influence as a commodity like a organized crack dealers peddling crack is a federal crime under the R.I.C.O. Statute, Title 18 Chap.96 provisions invoked herein and below. Appeal and complaint are taken simultaneously as inherent in one **GOD**, Constitution and Bill of Rights, one Supremacy Clause, and one set of Civil Rights standards for all citizens based on one set of laws.

The Writ is a well pled claim of judicial corruption that appears to extend all the way to the U.S. Supreme Court. **GOD** created all persons in **GOD'S** image for **GOD'S** pleasure as equals, in flesh and blood. The immutable fact forever true, unless one is Black or a Amer-African litigant **held** to an inferior standard of injustice as is the case in a Delaware Court. **GOD** is eternal and is not a respecter of person's titles, or positions, has decreed **all men are created equal** and gives no consideration or credence to the finite will of man **GOD'S** inferior creation in defiance. These are high crimes and serious felonies complained of to include the actions against justice repeatedly permitted by the Justices of the U. S. Supreme Court who ultimately control the docket and six times denied Petitioner the Right to relief and or remedy. The Spirit and the Letter of Constitutional due process and the equal protection of law demand the right to be heard denied by the Clerks. I have been treated in an unjust manner by the U.S. Supreme Court Clerks in favor of incompetent Caucasian lawyers caught in repeated violation of law.

The three legged stool is the construction I have used in the Court below as analogous to a clear well constructed fundamentally sound presentation of proper legal precepts, arguments and legal issues to a Court of unbiased and of competent jurisdiction. The construction of the three legged stools is a legal exercise in logic and sound reasoning, I use in a presentation of true premises opposed by falsity and is designed to test the veracity of the adversaries counter arguments presented and the opponents ability to support the weight of my counter presentation or to independently stand on their own predicated on both construction of the three legged stool and the independent support of and for each of the three legs. A two legged stool or a poorly constructed three legged stool can not stand even when all 3 legs are fully supported. **7 three legged stools** form the basis of the Writ and fundamentally sound written complaint and objections forming the appeal concluding in the conclusion of the brief. The **first** three legged forms support for the proposition and foundation of fact. The first stool consists of legal precedents, referencing three Caucasian Judges of honor, integrity and distinction. These three are Appellants **Judicial Super Stars** list. Order of importance to the petitioner is inconsistent with the current rank of the judges involved, the first on the list is the last in rank nevertheless, the Honorable Norman Maxon Terry is the first of several Judges that changed Appellant's life and permanently changed Delaware history. The second Judge is not second in my deep respect for her as a person. The Honorable Chief Justice Sue Robinson of the District Court for Delaware is not second to anyone in her tireless dedication to equal justice for all who come before her Court. The final leg of my first stool forming the firm foundation of fact is also my

most prized possession as a Para-Legal and as a legal professional. **Order NO. 05-2422** of the Court of Appeals for the Third Circuit Mozell Hannah v. City of Dover is my most valuable possession. The reader might ask why? **Hannah v. City of Dover** made legal history. It is the signature of Judges Alito on the decision that is of interest. Appellant's paperwork product was one of the last documents Justice Alito signed at the Third Circuit before elevation to the U.S. Supreme Court. Three orders regarding the appellant are invoked. 1. Court of Appeal Third Circuit 05-2422 Justice Alito 2005 2. District Court of Delaware Chief Justice Robinson 2002 the Hannah Case 3. Delaware Superior Court Judge Norman Terry 1997.

The **second** stool are three Superior Court Judges random appearances record. Judges 1. Vaughn 1. 2. Judge Young 0 and 3. Judge Witham 7. The **Third** stool is the number of recusal filed against Judge Withams granted which is zero 2. The number of filed appeals to the Delaware Supreme Court granted in 13 years which is zero. 3 The number of either recusal granted or appeals heard by the Delaware Supreme Court in 13 years which is zero. The **Fourth** stool are three Judges of the Delaware Supreme Court 1. Ridgely 2. Steele 3. Holland. The **fifth** stool are three corrupt incompetent lawyers 1. Danielle Yearick 2. Patricia Schwartz 3. John Balaguer. Stool six are documents 1. The Task Force on Racial and Ethnic Fairness Report 1996 2. Memorandum of Record August 26 2009 3.March 2009 Balaguer v. Alston transcript. Three legged stool **seven** is the closing.

REASON FOR GRANTING THE PETITION WRIT OF CERTIORARI

THE INITIAL COMPLAINT ON MAY 16, 2008 IS DISPOSITIVE

There is one **GOD** and one credible established Constitutional standard of competent judicial review in American law, unless you are a Black free Amer-African citizen residing within the State of Delaware. I am unlawfully forced by the Delaware Supreme Court to pay $910.00 dollars in extortion to the State Supreme Court "Justices" to appear without relief and remedy or trial conducted in the Superior Court. Appeals are never granted, and thousands of dollars have been paid by me because of the 6 corrupt Judges identified in the Writ. It is the Justices that have unlawfully converted appellant's money paid intended for the purpose of filing of this appeal. The justices refused to allow appellant the **use of appellants own money** for **filing this appeal to the U.S. Supreme Court.** Additionally $2500 dollars was extorted and embezzled from appellant by the illegal acts of Superior Court Judge William Witham aided and abetted by the State Supreme Court on appeal. Essentially I was forced by Court order to pay $2500 to the **racist incompetent Caucasian lawyer** that verbally threatened appellant with peril. **EVERY** conclusion, action and decision rendered by the Court was manifestly corrupt. The U.S. Supreme Court's accepted appellate standard for review of wrongful unsound unlawful and improper decisions below has been far exceeded herein this case file. The binding record on appeal absolutely exposes clear institutional illegality and also at the same time exposes the material fact that, Judge Witham is a motivated and

malicious liar. His actions were cruel unusual, grossly unsound, objectively unreasonable, illegal, and unethical. The acts perpetrated were, repeated as a pattern of conduct 7 times in plain sight of the corrupt Delaware Supreme Court that in fact and function created the case law in 2000 and 2006 that Witham relies upon for his protection. The unlawful pattern of obstruction was at all times relevant to this action actively supported by the six named corrupt Judges of the Delaware Supreme Court in active conspiracy with Judge Witham. The illegal activities complained of were and are not supported by any applicable law, relevant objectively reasonable evidence in this case or in terms of common sense. Delaware the 49th State in size and **the first original slave State** is also the first State to ratify the U.S. Constitution nevertheless, Delaware was in fact the last State in 1866 to ratify the Emancipation Proclamation of 1865. The State that has been a State longest has changed the least regarding racial equality. It is argued on appeal herein under the invoked Doctrine of Consistency of Application of Federal Law from State to State. Were this 13 year old case file to have its origin with the same set of component facts from Alabama or Georgia or Mississippi the U.S. Supreme Court **would have granted cert through Writ by now**. Judicial review is sought through certiorari, for that very reason, because a court of competent judicial discretion acknowledges that the U.S. Supreme Court has a legitimate obligation to always act lawfully, and to expose documented criminal activity in Alabama or Georgia and Mississippi has a greater obligation to the citizens of Delaware in the first State. To fail to afford Delawareans **in the first slave State** in the nation the same legal of protection a Black person receives in Alabama is illegal. The practice of repeated denial of

access to the Justices of the U.S. Supreme Court is identified as inconsistency of application of Federal law regarding unfettered access to judicial review. It is objectively reasonable that the U.S. Supreme Court hear this ongoing case implicating the same racist Delaware Superior Court Judge Witham in six previous filings documented in the case file. The outlawed practices are manifest demonstration of the Continual Violation Theory of Law in application to long term racketeering in the furtherance of a civil Rights violation. The contents of the initial filing of complaint form the basis for establishment of appellate review. The case filed was a non arbitration demand for jury trial action. The initial action featured **a statement of the nature of the stage of the proceedings section** starting on the first to the 4th page. Under the Federal Rules of Appellate Procedure **only the contemporaneous record is relevant** on appeal in an evidentiary application. This section of the original brief exposes relevant context. The first three underlined sentences make no mention of **malicious prosecution** as a cause of action. The foregoing reference are important given Witham was **at all times advocate for the defendants** contrary to the law and the facts. Witham concluded that the allegedly improperly worded **malicious prosecution** claim which according to the defendant and the judge should have been worded **malicious persecution was the only actionable issue raised below in the initial complaint**. "Be advised and take particular notice of the filing of commencement of action against the named defendant in the Delaware Superior Court." The first complete sentence of the initial complaint's dispositive contents proves exactly and precisely what was initially filed. "Legal standing is established as is legal status asserted as a racial discrimination and

civil rights complaint" in the second sentence of the initial filing, it is clear the initial complaint was not limited to State law as Judge Witham erroneously suggest in his decision. It is an established fact that the complaint was a racial discrimination and civil rights complaint. The facts prove Judge Witham was and is materially incorrect when he concluded malicious prosecution was the only actionable initial claim made by the Pro se plaintiff below. "History, race, color, status, and application of Federal; and State law to the noted circumstances is at issue." The initial complaint was a racial discrimination complaint and a civil rights complaint, whereas legal standing was established as was legal status asserted below whereas notice of filing of commencement of action against the named defendants in the superior court was made and whereas the subject of the initial complaint was history, race, color, status and application of State and Federal law to the circumstances at issue. The record does not agree with Judge Witham's false and fraudulent advocacy. The fourth and fifth sentences, documents the note worthy facts on appeal succinctly and concisely as follows. "It is noted that the plaintiff is a Black American citizen and the defendant is a Caucasian person it is further noted in the statement of the nature and stage of the proceeding that times have changed in American culture and in American law". "No longer is it acceptable in America or lawful for a hostile angry Caucasian lawyer to display malice without just cause to American citizens of color" I am not using the term advocate loosely, it is a fact Judge Witham was clearly aware of plaintiff's initial complaint that was not limited to State law in spite of the evidentiary record, on appeal. Witham consistently and unlawfully articulated the Defendant's self serving position.

Witham's statements were on White and Williams LLP'S behalf illegally against the law of due process. The ultimate objective of Judge Witham having been actualized in the Court below by wrongful dismissal makes this a serious crime of obstruction of justice, where extortion is paid by the Petitioner as a result of illegal corruption. The issue of injurious intent to financially injure Appellant through judicial corruption is controlled by the U.S. Constitution and Federal and State law on appeal regarding judicial malfeasance. It is an absolute fact relevant to these proceedings that no litigant of color of Amer-African slave heritage in Delaware's long history has filed more civil racial discrimination and or racial bias complaints against the State of Delaware in the State's history over the past 25 years without the aid or assistance of an attorney than the petitioner. **I have no criminal record in 54 years.** This is why the Delaware Supreme Courts efforts in malicious persecution to create a criminal record against me through the Board on the unauthorized Practice charges and case file is objected to as **a high crime** against appellants good name and reputation, the U.S. Constitution and appellant's perfect record in a denial of liberty as a free citizen requiring indictment of the judicial officials involved. Indictments are warranted against Patricia Schwartz one of the incompetent attorneys perpetrating fraud against the Court's record. I have voluminous records in the Delaware District Court, Delaware Supreme Court, Court of Common Pleas, Justice of the Peace Court, Court of Appeals for the Third Circuit and the U. S. Supreme Court records also contain this Petitioners work product

GOD IS THE FINAL AUTHORITY AND THE ONLY TRUE JUDGE ULTIMATELY

This current case now before U.S. Supreme Court review authority seals the seven seals document incorporated herein. This filing of Writ seeking certiorari has caught the eye of the LORD **GOD** Almighty and **HE has Settled** this matter of cruel and unusual judicial corruption. It is settled in the Appellant's favor **no matter what the U.S. Supreme Court does or does not do** this time around. **GOD** is the only true Judge that really matters. HE has decreed under His eternal authority power and control **IT is Finished.** Racial discrimination as a institution in America and the State of Delaware is forever sealed ended by decree of **GOD**. Racial bias is ungodly and forever sealed under the authority of the Bible and the final Prophet's blood. I have sealed the seven seals, an act in flesh and blood notarized and forever memorialized through legal documents filed **June 24 2009** in the Delaware Superior Court. The Sealed documents below are transferred into this current Writ and appeal before the United States Supreme Court. I am the author of the Lamb's Book of life IBSN #978-0-578-05444-5. I am the grafted Branch, born to be broken Alston's Branch. I am referenced in the Book of Revelation 2:23, 16:6 and 22:16, the reason Smyrna Delaware and Philadelphia Pennsylvania are the two chosen final Churches. The Bible never said Jerusalem is the location of the death of the two final living Prophetic witnesses. I testify in person to this world, and this nation, as **GOD'S** messenger like Noah was eye and ear witness, sent to his final generation.

RELATIONSHIPS ARE ALWAYS IMPORTANT IN A WRIT ON APPEAL

The initial content of the complaint filed MAY 16 2008 is legally binding on both this Court and the Petitioner, and is absolutely relevant to reversal of the corrupt final order written by Judge Witham in this case. **The first leg of the first three legged stool** is a respectful reference to the Honorable Delaware Superior Court Judge Norman Maxon Terry, citation number one consisting of three Judges of integrity form the first three legged stool and the foundation of fact. It is the great Honorable Judge Terry a man of superior character and integrity that allowed me to forever change Delaware's history. It is in Judge Terry's memory that **I will never yield to injustice,** I am dedicated to the Rule of Law. Judge Terry's 1998 decision in Alston v. Diamond State Machining and the Delaware Dept. of Labor Unemployment Insurance Board Civil action No. 97A-03-001 **decided Oct 16 1997** in appellant's favor is the specific reason for the illegal racial profiling in obstruction of justice currently perpetrated by Judge Witham aided and abetted by the 6 judges of the Delaware Supreme Court ever since 1998. Judge Henry Dupont Ridgely has been at the center of the oppression complained of. Appellant's history with Judge Ridgely goes back to1998 whereas due to racist remarks Judge Ridgely made to appellant, Ridgely recused himself and replaced his agenda to dismiss my case with his colleague Superior Court Judge Bifferoto. In *the State of Delaware v. Jermaine Tingle* in 2001. Mr. Tingle a 24 year old Black male was facing double life under application of the States three strikes Rule. The Judge of record was Ridgely. Ms. Watson in tears begged me to help her son. Subsequently I agreed **to assist** the

Public Defender a Mr. Schmidt. During my investigation it was discovered that Jermaine Tingle had a friend in High School in Camden Delaware. I discovered drug allegations against both teenagers. The name associated with Mr. Tingle's alleged drug infractions was his associate Jason Ridgely, Judge Ridgely's son. I took this information to Mr. Schmidt the Public Defender who abjectly refused to confront Judge Ridgely with a demand for recusal due to apparent conflict of interest. Anna Watson verbally cursed out the public defender Mr. Schmidt in my presence, she told Mr. Schmidt to confront Judge Ridgely and demand Judge Ridgely's recusal. In fact Mr. Schmidt did file demand for recusal of Judge Ridgely on behalf of Mr. Tingle per Ms. Watson's directive and Judge Ridgely did in fact recuse himself. Essentially Mr. Tingle walked away from double life. There is a adverse history between appellant and Judge Ridgely that has its origin 20 years ago. This identified reason may be the behind the judges conduct nevertheless there is no excuse. The actions of 10 individuals 3 lawyers and 7 Judges in concert in conspiracy have acted illegally and all should be charged criminally because they have designed an illegal long term scheme in **Coded case law** dating back to 2000 purposely created against appellant and his class of persons and against Legislative intent created in and by the Delaware Supreme Court in manipulation of the record fabricated against appellant's class and color through racial profiling designed to permanently impair and obstruct the appellant and all Pro se litigant's of color. The radical perceptions of the 7 Judges effect all Black people who appear as pro se litigants in their Courts. The Court imposed racket of influence peddling is a crime and is objected to in writing. Corrupt racism is in place to

prevent another legally liable Caucasian law firm such as White and Williams LLP from becoming a victim of appellant's ability when given a fair Judge such as the Honorable Judge Terry, Alito or Robinson. Judge Terry, was fully aware of plaintiff's Pro se status, and was not adverse to a demonstration of superior abilities, skills and **GOD** given talents than the lawyers I faced. In 2005 I sought Cert. on behalf of Mozell Hannah who had no legal experience the case was filed by, **the** Johnnie Cochran and his firm. I helped her when his firm was fired by the family. I have the letter sent to the firm. Order of Justice Alito is appellant's prized accomplishment. Court of Appeals Third Circuit Order NO.05-2422. *Mozell Hannah v. City of Dover* Alito Smith and Cowen See appendix exhibits no7

APPLICATION OF DELAWARE COURTS AND PROCEDURAL RULE 10 SEC 8119

CODED CASE LAW created and maintained by 7 Judges is not the same in force or in function as a matter of law as law created by Legislative intent. The named past and current Judges of the Delaware judicial system are in fact judicial officials and are **not a Legislature.** The complaint is the Court **below** was in fact and function acting illegally outside of both Federal and State law. The creation of **CODED CASE LAW** by the Delaware Supreme Court's 2000 Order of Berger Harnett and Veasey that has been purposefully and illegally maintained for current use by the incompetent Caucasian lawyers by Judges Ridgely Holland and Steele presently, is controlled by Rule 10: Sec.8119 which states **The Courts can not create exceptions in favor of any class of persons** or cases, or in favor of particular cases, when the statute

makes none , and no hardship which might result from an adherence to this Rule can justify a Court in departing from it and reading into the statute some qualification which the general Assembly did not provide. ***1907 Lewis v. Pawnee Bill's Wild West Co., (22 Del. 316, 66 A. 471).*** Judge Witham was required to respect and to adhere to the Rule of law even when he had no respect for the Plaintiff's race or his rights, below. Seven one and zero is not random, it is unjustifiable departure from Rule 10 8119 56 and 12(b)(c) circumventing the random assignment Rule in order to injure the plaintiff below financially even when caught refusing recusal until Witham had extorted $2500 from me.

Judge Witham would not recuse himself, because he had a **purposeful motive to injure appellant financially**. There was a relevant history behind appellant's prior demand that this proven corrupt Judge recuse himself dating back to 1999 when this Judge was initially exposed. The Official Transcript of record below is a evidentiary document that gives important insight as to the material fact as stated in plain language to this Court Judge Witham is a reprobate liar proven to be such by and through the binding record of proceedings. In 1999 the very same illegal act took place whereas after committing the race crime of obstruction of justice as is the case currently Witham dismisses Plaintiff's complaint below aided and abetted by the equally corrupt Delaware Supreme Court Judges. **Transcript of record** June 18 Courtroom 3 Case No. 99-C-05-010 WLW. Dannielle Yearick Page 5: "But MR. Alston, as **YOU** (Judge Witham) **Previously indicated today,** (to Dannielle Yearick) your honor must abide by the Courts Rules". The undisputed immutable fact is this

is evidence of a crime. Judge Witham is and was caught by plaintiff and the record below in the first instance in 1998 nevertheless repeated his racist conduct with impunity 6 times. For the record It was illegal for ANY contact to take place between Witham and Yearick discussing the case and the plaintiff below before the hearing took place evidenced by the record on appeal. The acquiescence by the U.S. Supreme Court's Justices through failure for 13 years to hear this particular case or to place this case on the docket is in fact the greatest crime and injustice of all.

The recorded conduct of Judge Witham as documented by the transcript of record below identifies objectively reasonable rational motivation to demand recusal of this evil individual that happens to be a Judge. The existence of long term and consistent actionable judicial corruption of a very serious nature is pled on appeal. Judge Witham is brazen and defiant and unrepentant from 1999 to 2009 aided and abetted by Judge Ridgely, Steele, and Holland since 1999 in regard to noted legal culpability with him.

I was **cut off mid sentence 97 times** by Judge Witham. Defendants counsel was not interrupted. In spite of the conduct at the hearing Plaintiff was nevertheless the superior litigant over John Balaguer defendant's counsel, appellant in fact clearly carried the day August 8 2008. Counsel **John Balaguer** Transcript page 31 **White and Williams LLP**.

"And so the claim that race has anything to do with this case are just completely without merit. Now it sounds from Mr. Alston's argument that the threat that he was complaining about is that he would be turned over to the ODC or a complaint would be made

related to the ODC. and as the Court knows Mr. Casarino has an ethical obligation to notify the Court if he honestly believes in good faith that there is a person attempting to practice law without being admitted to practice law in Delaware. And so that action is not in any way -Cannot in any way be the basis for the ALSTON complaint. that's all I have your honor". This was the sorry summation representing the incompetent inferior overall presentation as summary of John Balaguer's shoddy case. Material facts. 1 Marc Casarino DID NOT file a complaint against Plaintiff to the ODC until after suit against him and WHITE AND WILLIAMS LLP was filed. 2 **Plaintiff filed the initial charges to the ODC against Marc. Casarino and White and William LLP never investigated.** 3 Marc S. Casarino did not appear at the ODC hearing because he was afraid to face plaintiff below. Casarino knew ALSTON possessed superior skill than he, and would be successful in cross examination regarding criminal impersonation of appellant. Due to expected inquiry into the question of criminal impersonation through mail fraud a felony perpetrated by employees of White and Williams LLP who fraudulently mailed documents in plaintiffs name by certified mail below to a Ms. Casarino who the appellant does not in fact know and has never met. I reported the criminal impersonation to both the U.S. Postal Inspector and the FBI in Dover in written complaints that to date have not been investigated although the fraudulent document sent from White and Williams LLP In Plaintiff below appellant's name which is mail fraud and criminal use of U.S. Postal Service in the furtherance of the illegal act of criminal impersonation of the appellant. a serious crime and felony. **Transcript of record** pg 31. COURT: All right, Since we have three matters, I'll

turn to the next matter at this point which is the motion for summary judgment and sanctions. Is this your motion or is this Mr. Alston's motion? ALSTON: It's my motion, but I didn't intend that to be heard prior to the other motions present. COURT: ALL right So you're withdrawing it at this stage or deferring it? ALSTON: **Just deferring** it. Appellant's motion for summary judgment is valid as it contained required affidavits and sworn statements pursuant to a burden shift under Rule 56. Plaintiff s Memorandum of August 26 2008 filed in the Court below was properly filed and is legally valid and was and is uncontested as a matter of law on the record on appeal.

ANALYSIS OF THE CORRUPT ORDER OF JUDGE WITHAM AUGUST 18 2008 GRANTING SUMMARY JUDGMENT AGAINST THE LAW RULE 12(b)(6)

Judge Witham did not have the dishonest luxury of doing anything desired to plaintiff, in a hateful long term pattern of single minded effort to permanently injure plaintiff. Witham like any other Judge is constrained by the law of both **GOD** and man. Judge Witham's actions are in clear violation of Rule 56 and 10 Sec.8119. The acts complained of violated dispositive Rule 12(b)(6). The violation of 12(b)(6) exposes the order granting Summary Judgment August 18 2008 to be the bizarre product of radical premeditation.

It was **blatantly illegal to advocate the defendant** facts as true pursuant to proper compliance with Rule 12(b)(6) or to conclude relevant and material issues in the case **against plaintiffs required favor** by Rule of law invoked below. Judge

Witham's statement "Casarino explained to plaintiff that his efforts on (behalf of the **DSU**) employee **constituted** the improper practice of law without a license" This remark made above clearly violated Rule 12(b)(6) regarding appellant's required favor under the law. **DSU is NOT** a legal proceeding as a matter of fact or law and **Casarino was incorrect**. It is a legally controlling materially relevant fact **NO DOCUMENT** from Appellant was ever used by any employee of **DSU** in any Delaware Court or presented by Appellant to any Court of any kind anywhere on anyone's behalf from the Plaintiff below **ever.**

DISPOSITIVE FEDERAL RULE 56 AND STATE LAW 10 8119 AND 12(b)(6)

The purposeful criminal violations of the Rules and of numerous laws asserted to include Rule 56 below on appeal require Judge Witham to be indicted and arrested. Criminal acts are described as acts in conspiracy with the Delaware Supreme Court perpetrated with the wrongful intent to illegally injure appellant exposed through Writ. The clear and effective documentation in the Court below through Memorandum filed August 26 2008 makes it clear that American law is color blind and does not recognized status and does not care or know who employs it the only relevant question is, is the law correctly or incorrectly applied. In this case the violations are severe and yet so basic and fundamental as a matter of law that a first year law student knows the required workings of Rule 56 as did the Pro se Plaintiff who is held to an inferior standard of the incompetent **who did not know**. The level of corruption, precedent setting ignorance, and incompetence demonstrated by the Court and counsel Balaguer through

misapplication of Rule 56 is remarkable. No legal professional, Judge or lawyer can possibly be this stupid. That is to say the proper application of Rule 56 is clear, settled, and established as a matter of law. Only intentional misapplication of Rule 56 immutable time honored rules of mandatory conduct can be at work. Deviation requires intent, Judge Witham intended to be unlawful benefit to the defendants to such a relevant extent, that when the acts are taken in context in concert with the binding record below a race crime of violation of the civil rights act in racial profiling. Obstruction of justice results when abuse of process occurs. This is a created sanctioned and condoned aided and abetted ongoing criminal enterprise by the Delaware Supreme Court in violation of the R.I.C.O. Statute invoked below. Judge Witham's illegal granting of summary judgment was inconsistent with the law and was **the only** reason Judge Witham abjectly and premeditatedly refused to recuse himself from this. It was pled in the Court below through appeal that these were clearly violations of both the spirit and the letter of the law in application of provision of Rule 56. Judge Witham's unlawful conduct was intended to void the requirements of Rule 56. The facts herein were exposed in both the Delaware Supreme and Superior courts below. In the Supreme Court of the State of Delaware Appeal NO.582 2008 **Plaintiff's Appeal Brief jury trial demanded** Plaintiff Jerry L. Alston and Triple 7 Para-Legal Services (7) omitted v. Defendant White and Williams LLP and Marc s. Casarino Court below Superior Court of the State of Delaware in and for Kent County C.A. 08-05-023WL W Pg.16 "In a motion to dismiss under the Rule matters outside of the pleading such as AFFIDAVITS and depositions may be considered and **motion treated as**

one as Summary Judgment. ***Brown v. Colonial Chevrolet Co., 249 A2d 439 (Del. Super. Ct. 1998)*** Pg 17 "Motion for summary judgment considered motion to dismiss-Where insured in their original complaint alleging bad faith against the insurer, submitted affidavits in the form of three letters which were attached as exhibits and insurer filed a motion to dismiss the complaint for failure to state a claim upon which relief could be granted **[but it did not offer any affidavits, depositions testimony.]** documents or there additional facts not presented in the pleading the motion is considered a motion to dismiss [and not] as a motion for summary judgment. ***Dunlap v. State Farm Fire & Gas, Co. -A2dDeL Super. Ct June 15 2004.*** Citation in example "where defendant :filed a motion and supported it by subsequent filing of an **[affidavit]** matters outside the pleading were thereby injected into the case thus by the provision of this Rule defendants motion must be treated as one for summary judgment ***Jones v. Julian, 55 Del. 505, 188 A2d 521, rev'd on other grounds 195 A2d 388 Del. Super. CL 1963*** Plaintiff's deferred Motion for Summary Judgment was presented in writing July 1 2008 pursuant to Rule 56 with affidavits and August 26 2008 on the record under proper application of Rule 56 standards uncontested as matter of law, the opposing party and the Court were both served with the notice and the motion. Plaintiff's uncontroverted **deferred** motion for summary judgment filed August 26 2008 in uncontested memorandum contained affidavits acknowledged by the trial Court. "Where the attorney and law firm filed a motion to dismiss pursuant to this Rule but they **[attached deposition testimony, various other documents]** and other additional facts not presented in their pleading, the motion was considered to be a motion for summary

judgment pursuant to Civ..56. ***Venebles v. Smith -A2d - (Del. Super. Ct. Mar. 14 2003)*** For the defendants to survive the noted shift of legal burden as a matter of law pursuant to valid Motion for Summary Judgment affidavits **defendants counsel never filed in fact or function were absolutely required against** plaintiff's counter affidavits. **It is material fatal legal flaw** and fact the defendants counsel provided no **required** deposition, additional testimony or affidavits and were and are currently **not** entitled to granting of summary judgment to them **as a matter of law.** Violations of Rule 12(b)(6) are identified **raised as valid legal issues in the Court below**. Pg16 of **Plaintiff's appeal opening brief** filed before the Delaware Supreme Court before Judges Ridgely, Holland and Steele. "Allegations accepted as true under sub division (b)(6)-For the purpose of a Motion to dismiss for failure to state a claim under sub-division (b)(6) of this Rule **ALL** allegations in the complaint **must be** accepted as true. ***Barni v. Kutner, 45 Del. 550, 76. A2d 682 (Del. Super. Ct.) aff'd, 297 A2d 37(Del. 1972)***. Motion to dismiss for failure to state a claim assumes the facts as alleged by plaintiff. ***Stevenson v. Isaacs, 126 F. Supp. 411 (Del. 1954)*** Prohibition of Negroes (Amer-Africans) as witnesses is unconstitutional-Statute prohibiting (Amer-Africans) negroes from being witness in a Civil action in which a **white person is a party is** UNCONSTITUTIONAL. ***Handy v. Clark 9 Del. 16 (1869)*** As a matter of settled established Delaware law appellant's facts are **TRUE**, race matters not, a Judge can not depart from Rule 56 or 12(b)(6) pursuant to application of 8119.

CONCLUSION

Pro se Black litigants are as a matter of the law of **GOD** and man are equal citizens by virtue of the exclusive authority of the United States Constitution enforced by The United States Supreme Court and the Holy Bible. The goal and motives and illegal objectives of Judge Witham and the equally corrupt motives of the 6 judges of the Delaware Supreme Court aiding and abetting, his activities have been realized. The scheme has come to fruition in exposed conspiracy with the Delaware Supreme Court through Writ of certiorari. Order of 1999 413 and the 2006 Order 607 of the Delaware Supreme Court are appealed. The referenced orders are unlawful, brazen and blatant defiance of required due process of law and of the equal protection of the law. Black citizens are illegally and artificially "**held**" by a Court order, to inferior status as a matter of race, HELD to an inferior standard of judicial review. Because of demonstrated success and proven legal competence over incompetent inferior lawyers I am obstructed by Caucasian judicial officials, and thus a race crime results. Only three men are documented in history that lawyers feared they were Frederick Douglas and Abraham Lincoln and Christ Jesus none had a law degree. There are millions of lawyers but only Christ, Lincoln and Douglas, legal icons are distinguished from them all. By objective criteria appellant demonstrated superior performance below than the lawyers, named nevertheless plaintiff is HELD to inferior standing and status for instant dismissal in a demonstration of superior performance which is unconstitutional. An analogy is ALSTON is a heavy weight champion **known for knockouts** of his opponents, had defeated Laura Redding, David Pryor and James Handley and was looking for a sanctioned

fight Alston possessed the proven capability to knock out the State and incompetent lawyers again. Subsequently the referees Judges Berger Veasey and Harnett conspired in ruling that Alston will be held to a inferior level, even though Alston had defeated lawyers and is a proven heavy weight. A sports analogy for Witham's Court room, is playing on a un level field and winning the contest by pitching a no hitter. In spite of Witham the binding uncontested case file and controlling facts and law are in favor of appellant and requires granting the Writ.

7 three legged stools attempted several were impossible to construct. Building the first sturdy stool, of three independent legs each 7 inches long, equal to each other was easy. Superior Court Judge Terry forms the first support and District Court for Delaware Justice Robinson forms the second and United States Supreme Court Justice Alito forms the final support creating the first stool these three are the sturdy foundation in demonstration of impeccable judicial credentials, competence and integrity in support, of appellant relied upon by appellant. Justice Alito's Order of 2005 is a accomplishment that will not go away. Justice Alito did not know appellant from a can of brown paint, the relevant existence of the referenced order evidences the fact it did not matter.

The second stool was impossible. The pieces would not fit, the stool could not stand without outside support. The first leg was cases before Judge Vaughn a value of I inch the one time appellant appeared before him. The Judge Young leg is problematic, there are no inches recorded. All three legs are Superior Court Judges apparently equal. The 13 inches long and seven decisions wide Witham leg is an aberration

longer than all of the first stools legs. You can not constructed a stool with one leg no inches the next leg one inch and the third leg 13 inches long and seven inches wide. The compelling facts are absolutely demonstrative of a system that is clearly institutionally corrupt and incapable of supporting the weight of integrity of the first three legged stool of integrity.

EShed J.L. Alston
406 Arnold Court
Generals Greene
Dover, Delaware 19901
(302) 264-9568

Petitioner pro se

APPENDIX

APPENDIX

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APPENDIX A

[Seal]

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 717, 2009
UPL No. 2008-0664-U

[Filed March 1, 2010]

IN THE MATTER OF:	)
JERRY L. ALSTON,	)
	)
Respondent.	)
	)

Submitted: Jan. 6, 2010
Decided: March 1, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 1st day of March 2010, it appears to the Court that the Board on the Unauthorized Practice of Law has filed its Report and Recommendation in this matter pursuant to Rule 9(d) of the Rules of the Board on the Unauthorized Practice of Law. Neither the Respondent nor the Office of Disciplinary Counsel has filed objections to the Board's Report. The Court has

reviewed the matter pursuant to Rule 9(e) and concludes that the Board's Report should be approved.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

(1) The Report of the Board on the Unauthorized Practice of Law filed on December 14, 2009 (copy attached) is APPROVED.

(2) The Respondent shall CEASE and DESIST the unauthorized practice of law immediately. The Office of Disciplinary Counsel is directed to take any action that is necessary to enforce this Order on an expedited basis.

(3) This Order shall be disseminated electronically by the Office of Disciplinary Counsel to all members of the Delaware Judiciary.

(4) This Order terminates the proceedings related to the matters that gave rise to the petition in this case.

BY THE COURT:

/s/ _____
Chief Justice

APPENDIX B

[Seal]

BOARD ON THE UNAUTHORIZED PRACTICE OF THE LAW OF THE SUPREME COURT OF THE STATE OF DELAWARE

UPL No.2008-0664-U

[December 14, 2009]

IN RE:	)
JERRY L. ALSTON,	)
	)
Respondent	)
	)

This is a factual finding and recommendation from the Board on the Unauthorized Practice of the Law of the Supreme Court of the State of Delaware – "Board" – on an Amended Petition – "Petition" – filed by the Office of Disciplinary Counsel – "ODC". The Petition was signed January 13, 2009 with a Certificate of Service date of June 4, 2009; the Petition was also filed with the Board on June 4, 2009.

Jerry L. Alston – "Alston" or "Respondent" – is the subject matter of the Petition.

The Board held a Hearing on July 15, 2009. Reference to Exhibits at the Hearing will be as

"Ex.____" and to the Transcript of the Hearing as "Tr.____".

In the Petition it is alleged:

1. Alston is not licensed to practice law in Delaware.

2. Alston is the owner of 777 Para-Legal Services[1] – "777".

3. Alston and 777, in a "Written Notice of Appearance" dated February 19, 2008, addressed to Delaware Sate University, Dover, Delaware – "DSU" – claimed to represent the interest of an individual, Micah L. Parker, in a dispute concerning DSU. The document further demanded DSU produce certain documents. [Ex. 1]

   The stated purpose of the document was:

   > "Be advised the investigations scope and purpose is sufficient to establish whether or not there is the legal basis for filing of a civil law suit against you."

4. Alston represented a third party, 777, in a legal action. This occurred when, from Alton's point of view, discussions between Alston and DSU's counsel become unproductive. Alston filed in Superior Court, Kent County, on behalf of

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[1] Also called "Triple 7 Para-Legal Services".

himself and 777. an action against DSU's counsel and DSU's counsel's law firm. Alston, *et al*, v. White and Williams, LLP, *et al*. DelSuper., ___ A.2d ___, (Kent County, CA No. 08C-05-023, 11/19/2008)[2]

ODC requests in its Petition:

> "... the Board find as a matter of fact and law that the Respondent has engaged in the unauthorized practice of law in the State of Delaware; and that the Board express its findings in a final report to the Court recommending that the Respondent cease and desist from engaging in the unauthorized practice of law in the State of Delaware by acting in a representative capacity in a Delaware legal tribunal or governmental agency, by giving legal advice on matters relating to Delaware law, by drafting documents reflecting upon Delaware Law for use in a Delaware legal tribunal or Governmental agency, and holding himself out as being authorized to practice law in the State of Delaware."

ODC's request for relief will be granted for the reasons herein. However, the Board cautions that based on the evidence presented to it – or, as will be seen, the evidence not presented to it – an Order from

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[2] The Board was also asked to take judicial notice of another case involving Alston, Alston v. Delaware Department of Justice, *et al*, Del Supr., 931 A.2d 436 (2007)

the Supreme Court will probably have little, if any, affect on Alston's conduct.

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In Delaware State Bar Asso'n v. Alexander, DelSupr., 386 A.2d 652 (1978) at page 661, the Delaware Supreme Court stated guidelines concerning "the practice of law":

> " 'In general, one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes "all advice to clients, and all actions taken for them in matters connected with the law." ' * * * Practice of law includes the giving of legal advice and counsel, and the preparation of legal instruments and contracts of which legal rights are secured. * * * Where the rendering of services for another involves the use of legal knowledge or skill on his behalf – where legal advice is required and is availed of or rendered in connection with such services – these services necessarily constitute or include the practice of law.' " [citations omitted]
>
> * * * * * *
>
> " 'The practice of law [in addition to conduct of litigation in courts of record] consists generally, in the rendition of legal service to another, or legal advice and counsel as to his rights and obligations under the law, calling for a degree of legal knowledge or skill, usually for a fee, or

stipend, i.e. that which an attorney as such is authorized to do; and the exercise of such professional skill and certainly includes the pursuit, as an advocate for another, of a legal remedy within the jurisdiction of a quasi judicial tribunal' ". [citations omitted]

* * * * * * *

" 'In determining what is the practice of law, it is well settled that it is the character of the acts performed and not the place where they are done that is decisive. The practice of law is not, therefore, necessarily limited to the conduct of cases in court but is engaged in whenever and wherever legal knowledge, training, skill and ability are required.'" [citations omitted]

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Turning to items 1-4. above:

1

Alston agreed he is not licensed to practice law in the State of Delaware or anywhere else:

> "I have no license to practice law in the State of Delaware or any other state." [Tr. 13]

2

Alston acknowledged 777 Para-Legal Services "... is a name I chose for my business." [Tr. 24] He also stated the business is independently licensed.

> "I have a business license in the State of Delaware in the name of 777 Para-Legal Services" [Tr. 24]

Alston was less than forthcoming about what type of entity 777 was. When specifically asked, he declined to respond other than as noted above.

In view of Alston's testimony, the Board finds that 777 Para-Legal Services is an independent, third party, entity owned by Alston.

3

Even a cursory reading of Ex. 1 shows it is intended to be a legal document, one that would be prepared by, or under the direct supervision of, an attorney. Any reading of the document, given the purpose of the document as contained within it and quoted above, forces the conclusion that Ex. 1 is being sent for the purpose of legal proceedings. Even the second page of Ex. 1 is titled–and notarized–as an "Affidavit of Service and Notice of Appearance"; page two contains the further direction that all questions be directed to 777's and Alston's telephone numbers.

Alston characterizes his conduct on behalf of Micah L. Parker as:

> "I assisted him only". [Tr. 13]
>
> "In a para-legal capacity only."
>
> and

> "As a para-legal, as identified by the document" [Tr. 14. for both]

Alston stated that nowhere on Ex. 1 does he indicate he is representing himself as an attorney. [Tr. 14] [See also Alston's Notice of Hearing filed June 1, 2009, page 3, all caps bold, 4th line from the bottom.]

At no time during the Hearing, or in any of his documents, did Alston indicate he was working for, or under the supervision of, a licensed attorney. To the contrary, his position was consistent: he was allowed to independently do what he had been doing.[3]

No matter how inarticulately Ex. 1 may be drafted, it purports to be a demand in pending or potential litigation, and directs the recipient to take action because of pending or potential legal proceedings. This is the practice of law.

The filing of Alston, *et al*, v. White and Williams. LLP, *et al*., and Alston's conduct of the case on behalf of 777, an independent legal entity, is also the practice of law. Delaware State Bar Asso'n v. Alexander, *supra*.

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What is here is someone – Alston – who has cloaked himself in a name – "para-legal" – and is conducting himself as an attorney, with all of the rights and

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[3] In his documentation Alston noted he took the "Para-legal course of study at Del. Tech ... [and] received my certificate of completion in 2005." Alston's Affidavit filed 6/1/2008, p 1-2.

privileges which an attorney would have. The following colloquies are instructive: [Alston is the witness.]

> "THE WITNESS: I assisted Mr. Parker in finding out where the legal law library was, for example. There were several of them. I assisted him in looking up certain documents he was looking for in the law library. Certain items that the union had, for example. So I assisted him. That's what I did." [Tr. 25 & 26]
>
> * * * *
>
> CHAIRMAN: Did you conduct any interviews of Mr. Parker to determine the factual basis for any claims he might have?
>
> WITNESS: I'm not going to discuss any of the issues, or any of the things that I did with a client. That's confidential. And that would be work product. You're going into a slippery slope. Again, these issues are before the U.S. Supreme Court. I think this is where I should stop answering those types of questions. [Tr. 26 & 27] [emphasis supplied]

Alston has been quoted at length to show the obvious: he wants to file legal papers on behalf of third parties; he wants to participate in Court proceedings on behalf of third parties; he wants to draft legal

documents[4] on behalf of third parties; and he wants to file documents with Courts and third parties in a manner that would lead others to believe Alston is authorized and qualified to give legal services.

In other words, Alston wants to play lawyer. But he is not licensed to do so and he should be prevented from doing so.

Alston's repeated defense to his conduct[5] is:

> " So, what I am suggesting to this tribunal is that what I have been doing has either been sanctioned by two court orders. One from [Federal] Judge Sue Robinson and one from [Federal Judge, now United States Supreme Court Justice] Samuel Alito. That is what I am saying." [Tr. 46-47]

Alston was directed to produce copies of the above referenced orders to the Board; he said he would. ODC had no objection.[6] [Tr. 41, 50, 57-58]

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[4] Or documents which purport to be legal documents.

[5] Aside from the fact he feels wronged by a "corrupt", "racist", "personally bias", and "ungodly" legal and judicial system. [As to these allegations, not a scintilla of evidence was produced or introduced; the allegations are wholly without any factual basis and will be ignored by the Board.]

[6] ODC also agreed that all documents submitted by Alston prior to the Hearing could be considered by the Board. [Tr. 68]

Nothing related to Judge Robinson's or Justice Alito's orders has been received by the Board, post-Hearing, from Alston.

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As noted above. ODC requests:

> " ...the Board find as a matter of fact and law that the Respondent has engaged in the unauthorized practice of law in the State of Delaware; and that the Board express its findings in a final report to the Court recommending that the Respondent cease and desist from engaging in the unauthorized practice of law in the State of Delaware by acting in a representative capacity in a Delaware legal tribunal or governmental agency, by giving legal advice on matters relating to Delaware law, by drafting documents reflecting upon Delaware law for use in a Delaware legal tribunal or Governmental agency, and holding himself out as being authorized to practice law in the State of Delaware."

This Board adopts the just-quoted statement as its findings and recommendation.

However, the Board cautions the requested remedy may not be sufficient; Alston has been consistent in his refusal to accept limitations on his conduct. The Court may be required to additionally Order that no Delaware Court, agency, governmental body, or other entity over which the Court can assert jurisdiction

accept any filings, of any kind whatsoever, where Alston in any way attempts to, or purports to, be acting in any capacity for a third party or entity. Such an Order would limit Alston to only *pro se* conduct, acting solely in his name for his personal matters.

/s/John I. Ellis Jr. / 12/14/09
John I. Ellis, Jr., Chairman date

/s/Lawrence B. Steele, III / 12/14/2009
Lawrence B. Steele, III, Member date

/s/Ann M. Grunert / 12/14/2009
Ann M. Grunert, Member date

APPENDIX C

[Seal]

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 582, 2008
C.A. No. 08C-05-023

[Filed April 28, 2009]

JERRY L. ALSTON and TRIPLE 7 PARA-LEGAL SERVICES,	)
Plaintiffs Below, Appellants,	)
v.	)
WHITE AND WILLIAMS, LLP and MARC S. CASARINO,	)
Defendants Below, Appellees.	)

Submitted: Jan. 26, 2009
Decided: April 28, 2009

Court Below–Superior Court of the State of Delaware in and for Kent County

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 28th day of April 2009, it appears to the Court that:

(1) On November 25, 2008, the Court received appellant's notice of appeal from a Superior Court order of November 19, 2008 that granted summary judgment on behalf of appellees. The order also granted appellees leave to file a motion for sanctions against appellant. As of November 25, 2008, appellees had not filed a motion for sanctions in the Superior Court.[1]

(2) By notice issued on January 13, 2009, the Clerk directed that appellant show cause why the appeal should not be dismissed for failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. In his response to the notice to show cause, appellant asserts that the Superior Court's November 19, 2008 order "effectively ended the cause of action."

(3) The November 19, 2008 order from which the appeal is taken is interlocutory in nature because it did not finally determine and terminate the cause before the Superior Court.[2] Absent compliance with

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[1] It appears from the Superior Court docket that appellees filed a motion for sanctions on April 7, 2009, and that a hearing is scheduled on the motion on May 1, 2009.

[2] *Julian v. State*, 440 A.2d 990 (Del. 1982).

Supreme Court Rule 42, this Court lacks jurisdiction to consider an appeal from the order.[3]

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED. Appellant's filing fee in this appeal shall be applied to any future appeal filed by appellant in this matter following the issuance of a final order by the Superior Court.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

[3] *Id.*

APPENDIX D

[Seal]

IN THE SUPREME COURT OF THE STATE OF DELAWARE

No. 554, 2008
C.A. No. 08C-07-015

[Filed February 4, 2009]

JERRY L. ALSTON,	)
	)
Plaintiff Below-Appellant,	)
	)
v.	)
	)
SUPREME COURT OF DELAWARE, CHIEF JUSTICE VEASEY, JUSTICE HARTNETT, and JUSTICE BERGER,	)
	)
Defendants Below-Appellees.	)
	)

Submitted: November 20, 2008
Decided: February 4, 2009

Court Below—Superior Court of the State of Delaware, in and for Kent County

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 4th day of February 2009, it appears to the Court that:

(1) On November 3, 2008, the Court received appellant Jerry Alston's notice of appeal from a Superior Court order, dated September 24, 2008, which dismissed Alston's complaint seeking $7 million in damages for decisions that Alston claims were wrongly decided by three Justices of this Court because of racial bias. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before October 24, 2008.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Alston to show cause why the appeal should not be dismissed as untimely filed.[1] Alston filed a thirty-two page response to the notice to show cause on November 20, 2008. While difficult to discern, Alston appears to contend that his appeal is not untimely because he provided to both the United States Supreme Court and the Third Circuit Court of Appeals notice of his intent to appeal the Superior Court's decision within the thirty day limitations period. We find Alston's argument unavailing.

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[1] Del. Supr. Ct. R. 6(a)(i).

(3) Time is a jurisdictional requirement.[2] A notice of appeal must be received by the Office of the Clerk of *this* Court within the applicable time period in order to be effective.[3] An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.[4] Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.[5]

(4) There is nothing in the record to reflect that Alston's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

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[2] *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

[3] Del. Supr. Ct. R. 10(a).

[4] *Carr v. State*, 554 A.2d at 779.

[5] *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

APPENDIX E

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 604, 2001
C.A. No. 01C-10-017

[Decided March 18, 2002]

JERRY LEE ALSTON,

Plaintiff Below-
Appellant,

v.

THE HONORABLE WILLIAM
WITHAM,

Defendant Below-
Appellee.

Court Below—Superior Court of the State of Delaware, in and for Kent County

Submitted: January 18, 2002
Decided: March 18, 2002

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices

ORDER

This 18th day of March 2002, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The plaintiff-appellant, Jerry Lee Alston, filed this appeal from the Superior Court's November 2, 2001 order dismissing his complaint as legally frivolous. Defendant-appellee, the Honorable William Witham, has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Mr. Alston's opening brief that the appeal is without merit.[1] We agree and AFFIRM.

(3) On October 10, 2001, Mr. Alston filed a *pro se* civil complaint in the Superior Court. The complaint names the Honorable William Witham, a Superior Court judge, as the defendant. The complaint seeks the recusal of Judge Witham from other Superior Court litigation in which Mr. Alston is involved on the basis of Judge Witham's alleged "personal bias."

(4) On November 2, 2001, the Superior Court dismissed the complaint as legally frivolous because it failed to state a claim upon which relief may be granted.[2] The Superior Court correctly dismissed Mr. Alston's complaint. Because the claims made by Mr. Alston against Judge Witham arise out of the performance of Judge Witham's official duties, he

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[1] SUPR. CT. R. 25(a).

[2] SUPER. CT. CIV. R. 12(b) (6).

enjoys absolute immunity with respect to all such claims.[3]

(5) It is manifest on the face of Mr. Alston's opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), Judge Witham's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Justice

oc: Clerk of the Court
c: Hon. William L. Witham, Jr.
John Williams
Jerry Lee Alston
Court's Distribution List

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[3] DEL. CODE ANN. tit. 10, § 4001 (1999).

APPENDIX F

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 413, 1998
C.A. No. 98M-09-001

[Filed December 9, 1998]

JERRY LEE ALSTON,	)
	)
Plaintiff Below,	)
Appellant,	)
	)
v.	)
	)
JUSTICE OF THE PEACE AGNES E. PENNELLA AND THE CLERKS OF THE COURTS OF THE JUSTICE OF THE PEACE, AND THE KENT COUNTY COURT OF COMMON PLEAS, 38 THE GREEN, AND THE STATE ATTORNEYS GENERAL OFFICE,	)
	)
Defendants Below,	)
Appellees.	)

Court Below: Superior Court of the State of Delaware, in and for Kent County in C. A. No. 98M-09-001.

Submitted: November 24, 1998
Decided: December 9, 1998

Before **VEASEY, Chief Justice, WALSH, and HOLLAND**, Justices.

ORDER

This 9th day of December 1998, it appears to the Court that:

(1) The plaintiff-appellant, Jerry Lee Alston ("Alston"), has filed this appeal from an order of the Superior Court dismissing Alston's petitions for writs of mandamus and prohibition. On November 16, 1998, Alston filed his opening brief. The State of Delaware ("State") has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Alston's opening brief that the appeal is without merit. Supr. Ct. R. 25(a). We agree and affirm.

(2) Alston was charged in the Justice of the Peace Court with two motor vehicle violations. Alston contends that he appeared for arraignment on July 18, 1998, in the Justice of the Peace Court, and that the charges were dismissed at that time. Nonetheless, the Justice of the Peace Court issued to Alston a notice for failure to appear and scheduled a new date for arraignment. Alston transferred the case to the Court of Common Pleas for trial. By order dated August 20, 1998, the Court of Common Pleas denied Alston's request for a continuance. On September 2, 1998, the Court of Common Pleas dismissed one of the charges against Alston. On the same date, the State entered a *nolle prosequi* as to the other charge.

(3) On September 1, 1998, prior to the dismissal of the charges in the Court of Common Pleas, Alston filed petitions for writs of mandamus and prohibition in the Superior Court. Alston's petitions raised a plethora of legal claims arising from the actions in the Justice of the Peace Court and Court of Common Pleas, including deprivations of various rights under the state and federal constitutions, and a claim for monetary damages. By letter decision dated September 3, 1998, the Superior Court dismissed Alston's petitions for writs of mandamus and prohibition on the basis that the petitions manifestly failed to invoke the jurisdiction of the Court.

(4) This Court has considered the matter on the basis of the brief filed by Alston and the authorities cited in the State's motion to affirm. We have concluded that the judgment of dismissal entered by the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned letter decision of September 3, 1998. Neither the writ of mandamus nor the writ of prohibition can be used by the Superior Court to compel a lower court to decide a matter before it in any particular manner or to review judicial actions taken in the exercise of the lower court's legitimate jurisdiction. *In re Hyson,* Del. Supr., 649 A.2d 807, 808 (1994); *In re Bordley,* Del. Supr., 545 A.2d 619, 620 (1988). Alston did not establish in the Superior Court, nor has he established on appeal, that he was entitled to extraordinary relief.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ _____
Justice

APPENDIX G

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 582, 2008
C.A. No. 08C-05-023

[Decided May 28, 2009]

JERRY L. ALSTON and TRIPLE 7 PARA-LEGAL SERVICES,	)
Plaintiffs Below, Appellants,	)
v.	)
WHITE AND WILLIAMS, LLP and MARC S. CASARINO,	)
Defendants Below, Appellees.	)

Court Below–Superior Court of the
State of Delaware in and for Kent County

AFFIFDAVIT OF FILING OF NOTICE
OF MOTION PRESERVING THE RECORD
AND TO VACATE THE CORRUPT APRIL 28 2009
ORDER AND WRITTEN DEMAND FOR
IMMEDIATE HEARING

Be advised and take particular notice of MOTION. The motion is self stating and the AFFIDAVIT identifies that the particular filing was served on the following. 1. VICE PRESIDENT JOE BIDEN 1600 PENNSYLVANIA AVE WASHINGTON D.C. 20510 2. THE U.S. SUPREME COURT CLERK OFFICE OF THE CLERK SUPREME COURT OF THE UNITED STATES WASHINGTON D.C. 20543 3. DELAWARE SUPREME COURT a. Clerk b. Justices Chambers c. Board on the Unauthorized Practice of law 4. THE U.S. ATTORNEY OFFICE U.S. DEPT OF JUSTICE ADDRESS OMMITTED. 5. DELAWARE ATTORNEYS GENERALS OFFICE 820 N. French St. Wilmington DE 19801 Delaware Supreme Court 55 the Greene Dover De 19901. 5. White and Williams LLP William Doerler 1650 Market St. One Liberty Place Suite 1800 Philadelphia PA 19103-7395 6. ODC Patricia Bartley Schwartz/Andrea Rocanelli Carvel State Office Bldg 11 th Floor 820 North French St. Wilmington DE 19801

On this day 28th of May 2009
JERRY L. ALSTON/ESHED
Appeared before me

/s/
May 28 2009

/s/Annette D. Ashley
NOTARY PUBLIC FOR THE
STATE OF DELAWARE
COUNTY OF KENT

APPENDIX H

IN THE SUPREME COURT
OF THE STATE OF DELAWARE

No. 582, 2008
C.A. No. 08C-05-023

[N/A]

JERRY L. ALSTON and TRIPLE 7 PARA-LEGAL SERVICES, Plaintiffs Below, Appellants, v. WHITE AND WILLIAMS, LLP and MARC S. CASARINO, Defendants Below, Appellees.	)

Court Below–Superior Court of the
State of Delaware in and for Kent County

MOTION TO VACATE THE RACIST CORRUPT ORDER OF APRIL 28 2009 AND AFFIDAVIT OF RECORD PRESERVING THE ISSUE OF PURPOSEFUL JUDICIAL CORRUPTION FOR PRESENTATION TO THE UNITED STATES

SUPREME COURT ON APPEAL AND **DEMAND FOR IMMEDIATE HEARING**

BE ADVISED and take particular notice the radical corrupt activist **ORDER** of Justices Ridgely, Holland, and Steele **April 28 2009** and the depraved racist scheme to obstruct justice thereby the order is exposed. Regarding the purposeful obstruction of the established CIVIL RIGHT to the 90 day FEDERAL RIGHT OF UNOBSTRUCTED APPEAL TO THE U.S. SUPREME COURT that corrupt order of April 28 2009 shall be vacated or modified. **DOCUMENTED JUDICIAL CORRUPTION AND RACISM MOTIVATED THE ORDER** As defined by Blacks law dictionary CORRUPTION is an act of 1. Depravity, perversion, or taint; an impairment of integrity, virtue, or moral principles; esp, **the impairment of a public official duties** by bribery 2. The act of doing something with an intent to to give an advantage inconsistent with official duties and or the rights of others; **a fudiciary's or officials use of a station or office to procure some benefit either personally or for someone else contrary to the rights of others.** There is no dispute as to the material fact APPELLANTS 90 DAY APPEALS TIME CLOCK IS RUNNING WRONGFULLY SET BY THIS RADICAL ADVOCATE ACTIVIST COURT WITH THE INTENT TO GIVE AN ADVANTAGE TO THE APELLEES AND DISADVANTAGE APPELLANT INCONSISTENT WITH OFFICIAL DUTY AND APPELLANT'S ABSOLUTE CIVIL RIGHT OF UNOBSTRUCTED APPEAL GOING FORWARD TO THE U.S. SUPREME COURT, BY YOU THREE APRIL 28 2009. IN FACT AND FUNCTION THE DELAWARE SUPREME COURT SHOULD NOT HAVE CLOSED THIS CASE UNTIL THE FINAL

ONGOING **HEARINGS JULY 15 2009** SCHEDULED BY THE DELAWARE SUPREME COURT ARE COMPLETED. THE RADICAL ACTIVIST ADVOCATE RACIST CORRUPT INTENT OF THIS COURT IS **EXPOSED** AS TO INTERFERE WITH THE APPEAL UNLAWFULLY AS A PURPOSEFUL AND DEPRAVED EVIL ACT. YOU THREE RACIST ARE WELL AWARE OF THE TIMELINE YOU MALICIOUSLY CREATED AGAINST MY INTEREST AS WELL AS THE RESULT. **THERE IS** no dispute as to the material and relevent fact YOU KNEW OF HEARING YOU SCHEDULED AND OR WAS AWARE OF ON THIS CASE **July 15** 2009. YOU THREE EVIL RADICAL ACTIVIST CORRUPT MEN WHO DO NOT KNOW GOD, HONOR, OR JUSTICE, WILL NOT PREVAIL THIS TIME. YOU THREE KNOWINGLY AND INTENTIONALLY CREATED THE ORDER OF 2000 and 2001 THIS RADICAL ACTIVIST ADVOCATE ORDER IS BUT ANOTHER EXAMPLE OF DELIBERATE INTENT TO HANDICAP AND INTERFERE WITH THE APPEAL PROCEDURE. THERE IS NO OTHER OBJECTIVE REASON FOR SUCH A TAINTED ORDER OTHER THAN TO BE OF UNJUST BENEFIT TO THE APPELLEES. THE ORDER STATES **"following the issuance of a final order by the Superior Court"** There a double standard at work and permitted that the law of God or man does not allow the ongoing activity in the DEFENDANTS INTEREST AND BENEFIT ONLY whereas the same case is legally closed with the clock running adverse to THE APPELLANTS INTEREST AND BENEFIT ONLY. That illustrates corruption and perversion and a radical activist advocate racist Court in purposeful violation of the letter and spirit of the rule of due process and of the equal protection of the

application law. You three radical activist racist advocates know full wel what you are doing obstructing **THE FEDERAL APPEAL RULES.** Appeals rights to the U.S. Supreme Court have NOTHING TO DO WITH a "FINAL ORDER BY THE SUPERIOR COURT'. Because THE SUPERIOR COURT IS NOT THE HIGHEST STATE APPELLATE COURT A FINAL ORDER FROM THE SUPERIOR AFTER **THE DELAWARE SUPREME COURT OFFICALLY CLOSED THE CASE APRIL 28 2009 INJURES APPELLANT.** The ORDER OF APRIL 28 2009 IS INTENDED TO INJURE APPELLANT AND A SMOKE SCREEN TO HIDE CORRUPTION AND UNLAWFUL RADICAL RACIST ACTIVIST ADVOCACY IN FAVOR OF THE DEFENDANTS. **THE SUPRIOR COURT IS NOT LEGALLY RELEVANT IN ANY WAY TO** APPELLANTS ONGOING OVERLAPPING APPELLATE RIGHTS PURSUANT TO THE APRIL 28 2009 ORDER OF THE DELAWARE SUPREME COURT IS AS A MATTER OF LAW OF HIGHER LEGAL AUTHORITY THAN ANY HEARING IN THE SUPERIOR COURT. ALL legitimate action on the case in the Superior Court were completed and should been completed as a matter of law BEFORE a order closing the case was made.

In fact an function **FOR THE RECORD** that very same RADICAL RACIST ORDER IN ACTIVIST ADVOCACY April 28 2009 **intended** to **injure Appellant** closes the LEGAL DOOR ON WILLIAM DOERLER AND WHITE AND WILLIAMS LLP ON APRIL 28 2009 CLOSING THE CASE PRIOR TO MAY 22 2009. Whereas the case was CLOSED April 28 2009 by final Court order of the Delaware Supreme Court, **BEFORE THE DEFENDANTS COULD**

PERFECT A LEGALLY BONEFIDE CLAIM Corruption and racist Judge Witham aided and abetted by The Delaware Supreme Court unlawfully opened the case CLOSED April 28 2009 May 7 and 22 2009. **FOR THE RECORD GOING FORWARD** whereas AS A MATTER OF LAW in the State of Delaware in particular May 22 2009 THERE WAS NO WRITTEN INSTRUMENT OR AFFIDAVIT OF DEMAND AND NO SPECIFC LEGAL DEMAND OR DOLLAR AMOUNT BEFORE THE COURT TO BE CONTESTED OR ANY PARTICULAR PRIOR MONETARY DAMAGES EVER FILED OR ANY REQUIRED AFFIDAVIT OF DEMAND THEREWITH NEVER FILED **BEFORE** THE CASE WAS CLOSED OFFICIALLY CLOSED APRIL 28 2009. The State Court Can not Create ANY EXCEPTION or a activity of the Delaware Supreme Court that is radical in activist advocacy in unlawful favor of the appellees AS A MATTER OF LAW. **WHEREAS THE CASE IS CLOSED ONLY WHERE PLAINTIFF IS CONCERNED APRIL 28 2009.** THE HEARING MAY 7 AND OR 22 2009 WERE UNLAWFUL. AND ADVERSE TO JUSTICE AND THE RULE OF FAIR PLAY DESIGNED TO APPELLANTS DISBENEFIT THE CASE CAN NOT BE OPEN FOR ONLY THE DEFENDANTS BENEFIT BELOW May 22 2009 IN A CASE CLOSED April 28 2008 OPENED May 22 2009 FOR THE FRAUDULENT PURPOSE OF CRIMINAL EXTORTION COMPLAINED OF IN THIS CASE. The courts corrupt conduct is not based on sound legal precept. **You three racist cronies of William Witham know you are perverting the letter and spirit of the rule by playing ignorant. FOR the record** the entry of final judgment April 28 2009 by the **highest State appellate Court** the Delaware Supreme Court **CLOSING THE CASE OPENS THE**

90 DAY APPEALS WINDOW. IT ALSO CLOSES THE DOOR TO ANY LIABILITY TO ANY GENUINE CLAIM AS OF APRIL 28 2009 REGARDING THE DEFENDANTS COUNSEL'S WILLAIM DOERLER'S UNLAWFUL CLAIIM FOR ANY LEGITIMATE FORM OF DAMAGES. The scheduled hearing was May 7 and 22 2009 and THE DELAWARE SUPREME COURT scheduling of a hearing July 15 2009 in this case **which you three radical racist activist advocates are well aware of** documents prior knowledge and prior depraved intent to corrupt appellate procedure and record going forward to appellees benefit and interest unlawfully THE CASE IS NOT CLOSED IN FACT OR FUNCTION IT WILL NOT BE CLOSED UNTIL AFTER JULY 15 2009 HEARING.. THIS IS A **WRITTEN DEMAND** TO VACATE THIS CORRUPT RACIST ORDER AND TO PRESERVE THE RECORD GOING FORWARD ON APPEAL TO THE UNITED STATES SUPREME COURT. GOD the Father is in charge and control and HE said HE created ALL persons as equal and HE is no respecter of persons. In GODS sight a lawyer is no better than a para legal who is no better than a garbage man or a bus driver or a judge, be advised and take particular notice GOD THE FATHER is my radical activist advocate aginst you and the perpetuation of evil you and this racist institution the Delaware Supreme Court represent going forward.

THERE IS ABSOLUTELY NO OBJECTIVELY REASONABLE DISPUTE the Board on the Unauthorized Practice of Law **of the Supreme Court** of the State Delaware hearing is scheduled for July 15 2009. GOD WILL NOT PERMIT YOU THREE CORRUPT INDIVIDUALS TO OBSTRUCT JUSTICE OR GODS WILL AGAIN as you have done for the past

11 years without consequence to you. GOD will not permit you to circumvent the 90 day appeals window pursuant to THE **HIGHEST STATE COURT APPELLATE ORDER** from which appeal can be taken **IS NOT** as your order fraudulently and purposefully misstates **"a final order by the Suprior Court"**. Given your admitted knowledge **YOU KNEW THE CASE WAS OPEN AND NOT CLOSE** pursuant to the order of April 28 2009 particular reference to "MAY 7 2009" hearing, you appear to conspire with Judge Witham in FACT AND FUNCTION. YOUR RACIST ORDER is purposely **CORRUPT AND I DEMAND IT BE VACATED AND THE CASE REOPENED.** The corrupt order was purposely design by you to benefit the appellees Defendants WHITE AND WILLIAMS LLP and John Balaguer unlawfully going forward to the U.S Supreme Court your actions will be viewed by objective and unbiased eyes that will see your evil acts, specifically a Delaware Supreme Court consistent with your record of corruption on appeal dating back 10 years to Hudson Jones and Jayork and Daniel1 Yearick transcript documenting corruption with Judge Witham. Your order of April 28 2009 to obstruct appellants 90 days filing time is consistent with your documented corrupt and racist intent on appeal and MUST BE VACATED. **A copy of this filing is BEING SENT TO THE U.S. SUPREME COURT Clerks TO EXPLAIN THE UNIQUE CIRCUMSTANCES and PRESERVE THE 90 DAYS without OBSTRUCTION as well as to NOTIFY THE U.S. Supreme Court OF CORRUPTION.** YOUR INTENTIONAL RACIST CORRUPT ACT WILL NOT BE PERMITTED THIS TIME AROUND. There is only one GOD, sovereign and supreme, HE is Master of ALL faithful and true,

I haved dedicated my life to HIS Holy Spirit HE is not corrupt, or unjust, HE is **not** with you corrupt, racist, and evil men you are not just men, nor men of honor. THIS DOCUMENT STANDS ON THE RECORD **EXPOSING** YOUR RACIST CORRUPT SCHEME TO SHORTEN MY TIME FOR APPEAL. You three have no integrity or shame, and God who is the ONLY TRUE JUDGE has judged you unjust and evil men and you will reap what you have sown as such. You racist and corrupt men will get exactly what you deserve, know this GOD knows your evil heart. Know this what you are doing is before the throne of God. Know that 30 days that have been lost and the running of the clock SHALL BE RESTORED. IN your order of April 28 2009 AGAINST APPELLANTS INTEREST the following can be found "A HEARING IS SCHEDULED ON MOTION MAY 7 2009". **YOUR OWN WORDS INDICT YOU AND DOCUMENT YOU ABSOLUTELY KNEW THE CASE WAS NOT CLOSED.** God has the last word and THIS CASE WILL BE REVERSED. YOU ARE EVIL MEN in fact or function you wrote in the Order to benefit WHITE AND WILLIAMS LLP. I CHARGE HEREIN OBSTRUCTION OF JUSTICE AND CORRUPTION PURSUANT TO R.I.C.O CHARGES. The record of procedure and proceedings documents the order of April 28 2009 was manifest corruption and constitutes an act of malicious persecution and prosecution with the intent of obstruction of the appellant's Federal 90 day appellate timeline in appellees favor. DEMAND IN WRITING this corrupt order APRIL 28 2009 be VACATED immediately and a new order issue pursuant to, justice, in light of the **ongoing proceedings dated July 15 2009.**

APPENDIX I

IN THE SUPERIOR COURT
OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

C.A. No. 08C-05-023

[Dated May 22, 2009]

JERRY L. ALSTON,
TRIPLE 7 PARA-LEGAL SERVICES,

Plaintiff,

vs.

WHITE AND WILLIAMS LLC,
MARC S. CASARINO,

Defendants

Defendants' Motion for Sanctions

BEFORE: HON. WILLIAM L. WITHAM, JR., RESIDENT JUDGE

APPEARANCES:

JERRY L. ALSTON
Pro Se

WILLIAM L. DOERLER, ESQUIRE
White and Williams, LLP.
on behalf of the Defendants

TRANSCRIPT OF PROCEEDINGS
May 22, 2009

ANDREA M. SAATMAN
Official Court Reporter

[p.2]

(This matter commences at 11 a.m.)

THE COURT: Good morning. The Court would like to hear, first, No. 1, Mr. Alston, Triple 7 Para-Legal Services versus White and Williams, LLC. This is a defense motion for costs, I believe.

MR. DOERLER: Good morning, Your Honor. My name is Bill Doerler, and I represent the defendants, White and Williams, and Marc Casarino. We filed a motion pursuant to Rule 11 for an order awarding sanctions related to the frivolous, harassing and scandalous complaints filed in this matter.

Two initial matters: With respect to the motion as it relates to Triple 7, Triple 7 is not represented by an attorney in this matter, so with respect to Triple 7, I believe the motion should be deemed unopposed.

With respect to Mr. Alston's written response, we request that that response be stricken in its entirety as it is nonresponsive, immaterial, impertinent and scandalous and cites absolutely no legal citation and,

in fact, doesn't even address the Rule 11 motion to the extent that you need to address the motion.

The motion is based upon the complaint being

[p.3]

nothing more than a contrivance based upon a phone call. It evidences continuing unauthorized practice of law by Mr. Alston. Mr. Alston, with respect to Triple 7, the initial complaint was dismissed, as you may recall, because it basically alleged some type of a malicious harassment claim which is not a recognized claim; and therefore, is frivolous. It also contained scandalous material.

And for those reasons, we filed an initial motion to dismiss along with sanctions. Upon the dismissal, you asked us to refile a separate motion. There was an appeal; and intermediately, that has been dismissed. And now, we are back seeking sanctions with respect to the initial complaint.

THE COURT: Do you have any affidavit?

MR. DOERLER: We do not have an affidavit of cause at this time. We thought we would be able to submit that if you, in fact, awarded sanctions.

THE COURT: All right. Very well.

All right. This is a limited matter, Mr. Alston. If you wish to speak as to the motion for Rule 11 and the sanctions, the sanctions being costs, then I'll be happy to hear you, but I'm not prepared to hear anything

other than what's pertinent to this matter before the Court.

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You may proceed.

MR. ALSTON: What's pertinent to this matter before this Court is found in Black's Law Dictionary and is defined as corruption: Depravity, perversion or taint; an impairment of integrity, virtue or moral principle. The impairment of a public official's duties by bribery, the act of doing something which is intended to give some advantage inconsistent with official duty and the rights of others; or the fiduciary or official using stations of office to procure some benefit either personally or for someone else contrary to the rights of others.

First of all, I am here because my Heavenly Father asked me to be here. I am here because God is the final authority on everything, and that all that is done here will be eventually and finally resolved by my Heavenly Father.

I have an order from the Delaware Supreme Court that identifies that they have made a final decision -- obviously, not in my favor -- but I would like to read the order from the Delaware Supreme Court into the record.

On the 28th of April, 2008, it appears to the Court that on November 25th, the Court received appellant's

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notice of appeal --

THE COURT REPORTER: Sir, if you would please slow down when you are reading.

MR. ALSTON: My name is Eshad. I am God's last prophet, and I would like to have the record identify that my name is Eshad, God's last prophet.

Did you get that?

THE COURT REPORTER: Yes.

MR. ALSTON: Thank you. On November 25, 2008, the order[sic] received appellant's notice -- the Court received appellant's notice of appeal from a Superior Court order from November 19th that granted summary judgment on behalf of the appellees.

I would like to state, categorically and unequivocally, that that was the corruption I'm talking about. That was a corrupt act in and of itself. And I've appealed this to the United States Supreme Court. They sent me the instructions for filing the appeal as well as the Court procedures in the United States Supreme Court. And I'm not going to read the entirety of this. I'm just going to read the last two paragraphs.

The order of the 19th, 2008, from which the appeal was taken, was interlocutory in nature because it did

[p.6]

not finally determine and terminate the cause before the Superior Court. Absent compliance with Supreme

Court Rule 42, this Court lacks jurisdiction to consider an appeal from this order.

Now, therefore, this order, pursuant to Supreme Court Rule 29(b), the appeal is dismissed. Appellant's filing fee in this appeal shall be applied to any future appeals filed by the appellant in this matter following the issuance of a final order by the Superior Court.

This was contemplated by this order, and it is so identified for the record here that the appeal would be made in the United states Supreme Court pursuant to the identification on Paragraph 3 of this order.

The defendants have no legal right to attorneys' fees. The antecedent event was the defendants calling me up, Triple 7 Para-Legal, on the telephone, making a threat, and then they expect to get paid for it. Corruption is the reason why we are here. Were it not for corruption, we wouldn't even be here. That's the antecedent event: Corruption.

And what am I talking about? I'm talking about I've been before Judge Witham now nine to ten times in

[p.7]

a row. The current action that I have filed -- which I have another action filed in the court -- guess who the judge is? Judge Witham is the judge in that one also. Judge Witham, from 1999, has maneuvered every case that I have filed for the last ten years. My Heavenly Father, God, identifies that to be corruption, and my Heavenly Father, God, will make sure that this is made right. Thank you.

THE COURT: I assume there's no response?

MR. DOERLER: That's correct, Your Honor.

THE COURT: No response is needed.

MR. DOERLER: Thank you, Your Honor.

THE COURT: The Court will take this under advisement. Thank you very much.

MR. ALSTON: Thank you, Your Honor.

(This matter concludes at 11:06 a.m.)

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CERTIFICATE OF REPORTER

I, Andrea M. Saatman, Official Court Reporter of the Superior Court, State of Delaware, do hereby certify that the foregoing is an accurate transcript of the testimony adduced and proceedings had, as reported by me, in the Superior Court of the State of Delaware in and for Kent County in the case therein stated, as the same remains of record in the office of the Prothonotary of Kent County at Dover, Delaware.

This certification shall be considered null and void if this transcript is disassembled in any manner by any party without authorization of the signatory below.

WITNESS my hand this _____ day of _____, A.D., 2009.

Andrea M. Saatman
Official Court Reporter

APPENDIX J

SUPREME COURT OF DELAWARE

No. 554, 2008

[Filed November 20, 2008]

RECEIPT

SUPREME COURT BUILDING
55 THE GREEN
P.O. BOX476
DOVER, DELAWARE 19903
(302) 739-4155

TO: Jerry Alston

RE: Paid $450 filing fee for appeal no. 554, 2008

APPENDIX K

SUPREME COURT OF DELAWARE

No. 582, 2008

[Filed December 1, 2008]

RECEIPT

SUPREME COURT BUILDING
55 THE GREEN
P.O. BOX476
DOVER, DELAWARE 19903
(302) 739-4155

RE: Paid $460 filing fee for 582, 2008

Thank you.

APPENDIX L

SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

AUDREY F. BACINO
Assistant Clerk
LISA A. DOLPH
Chief Deputy Clerk
LATOYA S. BRADY
Senior Court Clerk
DEBRA *J.* ZATLOKOVICZ
Senior Court Clerk
DORIS *J.* ADKINS
Senior Court Clerk

SUPREME COURT BUILDING
55 THE GREEN
DOVER DE 19901

P.O. BOX 476
DOVER DE 19903

(302) 739-4155
(302) 739-4156
(302) 739-8091

May 18, 2010

Mr. Jerry Lee Alston
406 Arnold Court

Dover, De 19901

RE: **In the Matter *of:* Jerry Alston, No. 717, 2009**

Dear Mr. Alston:

The Court is in receipt of your untitled documents, wherein you request a refund of $910 for filing fees, in the above captioned matter. Please be advised that pursuant to Supreme Court Rule 20, the filing fee is nonrefundable.

However, according to Order dated April 28, 2009, your filing fee shall be applied to any future appeal filed, in this court, and in this matter following the issuance of a final order by the Superior Court.

Very Truly Yours,

/s/ LaToya S. Brady

APPENDIX M

BOARD ON THE UNAUTHORIZED PRACTICE OF LAW OF THE SUPREME COURT OF THE STATE OF DELAWARE

UPL File No. 2008-0664-U

[Dated February 2, 2009]

In the Matter of:	)
	)
JERRY L. ALSTON	)
	)
Respondent.	)
	)

AFFIDAVIT OF RESPONDENT JERRY L. ALSTON AND INFORMATIONAL ENCLOSURES OF THE FINANCIAL STATUS AND OF SURVIABILITY OF TRIPLE 7 PARA –LEGAL SERVICES AS OF FEB.2 2009

The specific purpose and intent of this filing is to informally document the past 5 years in particular, and in specific regard to a overall 10 year timeframe of reference. These are approximations of amounts starting in 2006 3 years ago. After a year of extensive interaction with the Delaware Vocational Rehabilitation in 2004 due to injury ending 5 years of employment as a freight handler at Boscov's Department store in Dover between 1999-2004 I was forced to retrain in 2005. Due to assistance from the

State Voc Rehab which is acknowledged Terry Ruggles was and is a excellent dedicated case worker she was my case worker for several years. I was tested by the State Voc. Rehab in 2005. In 2005 the State documented intellectual aptitude in the legal profession documented by objective test criteria which also documented a extraordinary vocabulary and reasoning ability according to the State was also documented by the State Of Delaware. I was subsequently required to be interviewed by a lawyer for the State Mr. Toss to assure the States money needed for books and the course of study for Para-legal certification would be well spent and passing the course of study would be accomplished. I took the Para-legal course of study at Del. Tech. diligently studied and maintained a B average and received my certificate of completion in 2005 and in 2006 started TRIPLE 7 PARA- LEGAL SREVICES. I am presently awaiting settlement from a auto collision wherein I was not at fault nevertheless I was hit hard enough that my vehicle was totaled and I received serious and permanent injury to both knees emphasizing several physical handicaps before the accident the point is I can not make a living with by body anymore. 2006 I expended 700 set up cost including the cost computer, copier, paper ink, etc and approximately 500 in other expenses regarding various filing fees. There was no earnings of any money and or of any income end of year there was a debt of approximately -1200. 2007 There was Over 500 in filing fees. There was a earned income of 700 -500 2008 there was 700 in the Superior Court 910 filing in the Supreme Court -1610 -3100

It has become a hardship to stay in business caused by institutional racism on the part of the Delaware

Supreme Court SEE The DELAWARE SUPREME COURT TASK FORCE ON RACIAL, AND ETHNIC FAIRNESS REPORT OCT 1996. In general the Delaware Supreme Court is perpetrating institutional racism identifiably predicated on race and racial factors and specifically the ODC officials Andrea Rocanelli and Patricia Bartley Schwartz are herein charged for intended failure to extend their lawful duties and offices to JERRY L. ALSTON or to TRIPLE 7 PARA LEGAL SERVICES since the filing of COMPLAINT MARCH. 13 2008 in the same or similar manner MARC. S. CASARINO or JOHN BALAGUER or WHITE AND WILLIAMS LLP as Caucasians are treated in fact better by any objective criteria a violation of both the equal protection of the law and due process of law. Respondent case was never investigated and counsels case was not only investigated counsel Balaguers false claims would be actively and aggressively pursued by the named individuals. Where most of the encountered debt over the past 3 years involves litigation against the State there is apparent issue with the State Court. It is the intent of the Delaware Supreme Court to reward the abuser White and Williams LLP regarding the CRUEL AND UNUSUAL PUNISHMENT of intended financial award by the DELAWARE SUPREME COURT to financially reward the abuser WHITE AND WILLIAMS LLP **through award of attorneys fees** absolutely not justified to the abuser as documented by the binding record of proceeding and sanctioning respondent using fraud and lies to keep the uppity Black Amer-African Para-Legal in his unlawfully Court imposed inferior place such was the case in 1852 and 1873 but it is not 1852 or 1873 it is 2009 and this sought of conduct complained is illegal in 2009. The binding perfected record of proceedings below in

particular as judged by any fair, unbiased, objectively reasonable rational evaluation of the material facts specifically identifies noted counsel John Balaguer's flawed presentation and performance was incompetent in contrast and comparison to the pro se Para-Legal appellants below that was far superior to counsel limited by institutional racism complained of now on Appeal.

I swear these facts are true so help me GOD /s/_____

Sworn and subscribed before me the this 2nd day of February 2009

/s/Annette D. Ashley
Notary [seal]

APPENDIX N

Delaware State News

[Thursday, June 24, 2004]

City asks to have Reginald Hannah lawsuit dismissed

By Jeff Brown
Staff writer

In a move designed to end more than three years of continuing litigation, deputy city solicitor William Pepper has asked the U.S. District Court to act on a request for summary judgment, dismissing a $50 million wrongful death suit brought against the city by Mozell Hannah, mother of the late Reginald Hannah. Pepper filed the action May 21.

"Basically, the sum and substance of it is that Mrs. Hannah cannot establish that the city of Dover is liable in any respect for the death of Reginald Hannah," Pepper said.

However, Gerald Alston, who is advising Mrs. Hannah in her against the city, said Friday she is asking the case be continued, partially because of claims police officers involved in the case lied during their testimony.

"As a matter of law, [the city has] not proven what the law requires," Alston said, "They're saying the

police officer committed no crime, and they're basing that on the police officer's affidavits, which are proven to be false.

"If the affidavits are compromised, then a summary judgment cannot be granted," Alston said.

Alston, who said he is working toward obtaining a law degree, also accused the city of blocking attempts to interview the police officers himself.

Hannah, 39, died March 9, 2001, after he was involved in a fight with another man in the back of a Delaware State Police cruiser. Dover Police officers responding to the scene put Hannah on the ground in an attempt to handcuff him, after which Hannah appeared to lose consciousness. He was taken to Buyhealth-Kent General Hospital for treatment, where he later died.

An autopsy report showed Hannah died of heart failure brought on by cocaine and alcohol use. The report also said that police use of handcuffs, pepper spray and nonlethal blunt force were contributing factors in the death.

Hannah's passing brought about accusations of police brutalitym as well as a call from the Central Delaware Branch of the NAACP for an investigation.

Mrs. Hannah and four additional plaintiffs filed the lawsuit May 11, 2001, through the Chicago law firm of Cochran, Cherry, Givens, Smith & Montgomery. The firm, best known for its work in the O.J. Simpson case, withdrew in November 2001.

In a separate action, the attorneys for the three officers involved also have requested the suits against them be dismissed, Pepper said.

Pepper said he could not predict when the court would make a decision on the city's motion, but hoped it would be before the end of the year.

If the case is dismissed, Alston said Mrs. Hannah plans to petition to the U.S. Court of Appeals for the Third Circuit.

Suit

Continued From Page 1

Hannah's mother, Mozell Hannah, has continued the federal suit, aided by Dover resident Jerry Alston.

Mr. Alston said the officers involved in the 2001 incident lied in their testimonies that Mr. Hannah initiated a fight with police.

"(The city's) motion has no merit," he said. "The civil rights of Reggie Hannah were compromised."

Mr. Pepper disagreed, adding that the case, originally scheduled for a May 2002 trial date, has crept along at "a snail's pace" since the attorneys withdrew.

The lengthy case has not come cheaply to the city, which has shelled out more than $17,000 in legal fees.

"We've spent a lot of time puling the case together," Mr. Pepper said. "These are serious allegation (Mrs. Hannah) has made take the time to defend (the city).

"There is no case to try because there is no factual support for the plaintiff's allegations."

Mr. Alston said an April 2003 motion for summary judgment by the city was denied and he expects this motion to go the same way.

"We expect to win the upcoming lawsuit. We don't expect summary judgment to go through," he said. "If it does, we immediately will appeal."

An autopsy report filed in April 2001 by Chief Medical Examiner Dr. Richard T. Callery concluded that Mr. Hannah died of heart failure caused by a significant amount of cocaine and alcohol in his system.

The death was ruled "accidental." Police force and the use of pepper spray were listed as contributing factors, but were not ruled to have been enough on their own to cause Mr. Hannah's death.

general's report on the incident, Mr. Hannah was a passenger in a car driven by Glyn Matthews, then 55, that was stopped by state police Cpl. Robert J. Bishop on Lotus Drive at 3:20 a.m. March 9, 2001.

Cpl. Bishop arrested Mr. Matthews of Dover for driving under the influence. Mr. Hannah asked for a ride and sat in the back seat with Mr. Matthews, who was handcuffed.

The two men began arguing and fighting in the back seat, prompting Cpl. Bishop to stop on River Road and call for assistance, the report said.

The three Dover police officers responded at 3:58 a.m. and radioed that the situation was under control two minutes and 48 seconds later.

Mr. Hannah was taken to Bay health-Kent General Hospital in Dover and pronounced dead at the hospital at 5:04 a.m.

Staff Writer Drew Volture can be reached at 741-829

APPENDIX O

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 05-2422

[October 11, 2005]

MOZELL HANNAH, individually and as personal representative of the Estate of Reginald L. Hannah; SHERRY CLARK, as parent and next friend of Reginald L. Clark and Latonya Clark; CHRISTINE PERRY, as Legal Guardian and next friend of Zackary Perry; JOY HARRIS, as parent and next friend of Montel Sudler; ANGELNKUE BRYAN, as parent and next friend of Keyanna Bryan

v.

CITY OF DOVER; PFC PAUL KUNTZI, individually and as agent of the City of Dover Police Department; PFC DAVID GIST, individually and as agent of the City of Dover Police Department; PFC HARVEY JAKSCH, individually and as an agent of the City of Dover Police Department

Mozell Hannah,

Appellant)
)

On Appeal From the United States District Court
For the District of Delaware
(D.C. Civ. No. 01-cv-00312)
Chief District Judge: Honorable Sue L. Robinson

Submitted Under Third Circuit L.A.R. 34.1(a)
October 3, 2005

Before: ALITO, SMITH and COWEN, Circuit Judges

(Filed October 11, 2005)

OPINION

APPENDIX P

UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

JOSEPH R. BIDEN. JR.. DELAWARE, CHAIRMAN
EDWARD M. KENNEDY, MASSACHUSETTS
STROM THURMOND, SOUTH CAROLINA
HOWARD M. METZENBAUM, OHIO
ORRIN G. HATCH, UTAH
DENNIS DECONCINI, ARIZONA
ALAN K. SIMPSON, WYOMING
PATRICK J. LEAHY, VERMONT
CHARLES E. GRASSLEY, IOWA
HOWELL HEFLIN, ALABAMA
ARLEN SPECTER, PENNSYLVANIA
PAUL SIMON, ILLINOIS
GORDON J. HUMPHREY, NEW HAMPSHIRE
HERBERT KOHL, WISCONSIN

RONALD A. KLAIN, CHIEF COUNSEL
DIANA HUFFMAN, STAFF DIRECTOR
JEFFREY J. PECK, GENERAL COUNSEL
TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
AND STAFF DIRECTOR

November 16, 1990

Jerry Alston
406 Arnold Court
Generals Green

Dover, Delaware 19901

Dear Mr. Alston:

Thank you for contacting me regarding the Civil Rights Act of 1990, introduced by Senator Kennedy.

As you may know, I was an original co-sponsor of S.2104, the Civil Rights Act of 1990. After reviewing and analyzing the bill, I decided that it would be an essential part of our country's effort to end employment discrimination and restore important civil rights protections.

The conference committee, appointed to resolve the differences between the House and Senate versions of the Civil Rights Act of 1990, reached an agreement and presented it to the Congress for approval. The conference committee modified the bill to include compromise language designed to satisfy any remaining concerns about the legislation. As you may know, I joined a majority of my colleagues in Congress in passing this legislation. Unfortunately, the President vetoed the bill.

On October 24, 1990, the Senate voted, 66-34, to override President Bush's veto of the bill -- falling just one vote short of the two-thirds necessary to override a presidential veto.

Thank you again for taking the time to contact me. Your interest in this issue is appreciated, and I will keep your views in mind when this important legisaltion is introduced in the 102nd Congress. I have enclosed a copy of the conference report for your information.

Sincerely

/s/Joseph R. Biden, Jr.
Joseph R. Biden, Jr.
Chairman

Enclosure

APPENDIX Q

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

Civil Action No. CPU5-10-000463

[Dated March 12, 2010]

JERRY LEE ALSTON,

to

ESHED J. L. ALSTON,

BEFORE:
HONORABLE ANNE HARTNETT REIGLE,

PRESENT:

JERRY LEE ALSTON,
Pro Se.

TRANSCRIPT OF PROCEEDINGS

LINDA A. LAVENDER
Official Court Reporter

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Court of Common Pleas
March 12, 2010

Present: As noted.

THE COURT: Now we have Jerry Lee Alston.

Good morning, Mr. Alston.

MR. ALSTON: Good morning.

THE COURT: Okay. So, you filed a petition to change your name and you're an adult so why don't you come up and we'll take some testimony, okay?

MR. ALSTON: The name I'm changing it to?

THE COURT: You're current name.

MR. ALSTON: I was born Jerry Lee Alston, Jr.

JERRY LEE ALSTON, JR.,

Having been first duly sworn according to the law, was examined and testified as follows:

DIRECT EXAMINATION

THE COURT: Okay. Mr. Alston, so your name is actually, it's actually Jerry Lee Alston, Jr.? You didn't put that in the petition, is that – was your father –

MR. ALSTON: My father is deceased.

THE COURT: Okay. Is he Jerry Lee Alston, Sr.?

MR. ALSTON: Correct.

[p.3]

THE COURT: So, did you generally hold yourself out as Jerry Lee Alston, Jr., did you use the Junior on your driver's license?

MR. ALSTON: I have my driver's license, yes.

THE COURT: You can just hand that right over. Do you know if it has a Junior on it?

MR. ALSTON: It has Junior on it.

THE COURT: It does. Okay.

So, you filed this petition, I have December 29th, 2009 and your request is to change your name, is it - I'm not sure if I'm going to say it right, Eshed?

MR. ALSTON: No, it's pronounced Eshed.

THE COURT: Eshed. And, then just the initials J.L. Alston, is that correct?

MR. ALSTON: Correct.

THE COURT: Okay. I assume the J.L. stands for Jerry Lee, is that -

MR. ALSTON: Correct.

THE COURT: Okay. But, you don't want the name Jerry Lee, you just want the initials?

MR. ALSTON: Correct.

THE COURT: Okay. And, then it says you live in Dover so that's Kent County, and you are asking to change your name pursuant to, it just says ministry Isaiah, and then you have a number 62:2.

[p.4]

Okay. Well, generally the rule is that any adult can change their name to anything that they want to change their name to. Actually, it's the statute by 904 says, "Upon presentation of a petition for a change of name under this chapter and it appearing that the requirements of this chapter have fully been complied with and there appearing no reason for not granting the petition the prayer of the petition may be granted".

And, the petition does appear to be in order; you have submitted a notice from the Dover Post for January 6th, 13th and 20th and a copy is attached where you submitted notice of your requested name change.

It's come to my attention, simply because of an officer of the court that there was recently a decision by the Office of Disciplinary Council that directed you to cease and desist the unauthorized practice of law, is that you? It has the name Jerry L. Alston, is that the same person, an order against you?

MR. ALSTON: My answer is at - those cases are on appeal to U.S. Supreme Court, I'll be seeing my lawyer next Tuesday, I'd rather not discuss those matters.

THE COURT: Okay. So, you agree there was an order but you've appealed it, is that correct?

MR. ALSTON: No, ma'am. What I -

THE COURT: Factually?

MR. ALSTON: What I'll say is that the two cases on appeal

[p.5]

to the U.S. Supreme Court I will be consulting with my lawyer next Tuesday and that's the present status of those issues.

THE COURT: Okay. So, you haven't filed an appeal yet but you may be filing one?

MR. ALSTON: I filed notice of appeal.

THE COURT: You did file the notice of appeal?

MR. ALSTON: Yes, I did.

THE COURT: All right. All right. So, generally if there is a creditor - and, the idea of keeping your name the same is so that people know who you are, so if there's someone that's trying to change their name to avoid being identified as the same individual, that's a problem. So, my concern is that you have this order directing you not to practice law and then you're asking to change your name.

Are you doing that to - it doesn't appear that you're doing that to avoid the order because you filed the

petition before the order came down but did you file the petition because you anticipated a decision by the Office of Disciplinary Council? I'm sorry, that's kind of a long winded question, but ...

MR. ALSTON: Isaiah 62:2 states; "When I call a prophet, I call him by a new name". Simon-Barjona, Peter, Paul of Sarsus -- excuse me, Saul of Tarsus call -- God gave me the name Eshed --

THE COURT: Okay.

MR. ALSTON: -- and God appointed me to that name and

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quite frankly no human being has any authority to do anything that God appoints, so what I'm saying is that –

THE COURT: Okay. Well, you're getting to the reason why you want to change the name.

MR. ALSTON: Yes.

THE COURT: Can you just answer my question first just so I understand.

MR. ALSTON: I've answered your question to the best of my ability.

THE COURT: No.

MR ALSTON: God gave me the name, it's a name given that came as a result of my religion and as a

result of my covenant with my heavenly father God, that's where the name came from.

THE COURT: Okay. So, the question would be why now, why did you pick now to file the petition -

MR. ALSTON: You'd have to ask God that.

THE COURT: So --

MR. ALSTON: Because he called me now, you have to ask God why he called me now.

THE COURT: Okay. So, you were recently called from God and he told you to change your name to Eshed?

MR. ALSTON: And, here is the 206 page book that I published that will be out in about six weeks.

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THE COURT: Okay. Can you answer my question then; did God ask you to change your name to Eshed, is that what your testimony is?

MR. ALSTON: That is exactly what my testimony is.

THE COURT: Okay. Just so I understand.

MR. ALSTON: And, the name of my book is called The Lambs Book of Life, that's what the name of the book is.

THE COURT: Okay. So, your argument is that you're right under the freedom of religion to change your name to not be impeded?

MR. ALSTON: I have no argument, I stated a fact. God called me, that's the name he called me, Eshed, and that is a fact, so it's not an argument, that's a fact.

THE COURT: Okay. But, couldn't you go by Eshed without legally changing your name to it?

MR. ALSTON: I do what God tells me. I don't - my job is not to conform to man's understanding but to God's.

THE COURT: Uh-huh (affirmative response). Did God ask you to legally change your name or just to be called by Eshed?

MR. ALSTON: My job is not to conform to human issues but rather to conform to God's calling. On March the 1st of 2009 God gave me this name and that's the name I will have until I leave this world.

THE COURT: Tell me that date again?

MR. ALSTON: March the 1st, 2009; it's in the, book, The Lambs Book of Life.

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THE COURT: Okay.

MR. ALSTON: At a book store, will be soon.

THE COURT: Are you submitting that as an exhibit?

MR ALSTON: No, I'm not.

THE COURT: Okay. Well, I accept your testimony that that's the date.

So, is it your argument that you're not to required to abide by the laws of the state of Delaware and the United States of America because the law of God is supreme or - just help me understand the argument.

MR. ALSTON: I've made no such statement, and let the record show that the statement referenced by the Judge is not commiserate to anything I've said. I made no statement about the American government, I've made no statement about anything other than coming here because of ministry reasons to change my name and it's because of the requirement here for the specificity and particularity the record should identify that that is why I'm here for and only that.

THE COURT: Okay. Well, did you -what about this question of the order filed by the Office of Disciplinary Council about this ceasing and desisting the practice of law?

MR. ALSTON: Well, it's irrelevant, ma'am, because I never did that, that's why it's on appeal.

THE COURT: Okay. And, what if -

MR. ALSTON: There is no what if. If I never did that, it's

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on appeal.

THE COURT: Hold on, I didn't finish my question.

What if we send a letter to the Office of the Disciplinary Council and they didn't object to your name change; I would be satisfied then, would you be in opposition to such a letter being sent?

MR. ALSTON: I don't have any opinion for or against, however, the records from the Disciplinary Council identify when I signed in I signed in under the name of Eshed, E-S-H-E-D.

THE COURT: Okay. What if an amendment was made to the ODC that would include your name of Eshed in the order to cease and desist the practice of law, would you have any problem with that?

MR. ALSTON: I don't have any problem with that but their records already indicate the name I signed in under, it was Eshed, E-S-H-E-D.

THE COURT: Okay. And, I would have to balance the religious argument with the legal elements of the statute but perhaps you can just tell me very briefly and as much as you're comfortable telling me what religion you practice; is it your own religion or do you have some specific association that you have?

MR ALSTON: I'm a prophet, okay? The Bible is consistent that God's word is the same yesterday, today, tomorrow, always and forever. Prophecy was a office of the church in the beginning of the church so

how can it now be something that the church does not have? The

[p.10]

answer is that prophecy exists now just as it did in the old days.

THE COURT: Okay. So, do you consider yourself Christian, Muslim, Jewish, one of the standard religions that people say that they're affiliated with?

MR. ALSTON: I'm a child of God, that's what I am.

THE COURT: Okay. So, you don't consider -

MR. ALSTON: There's only one God, there's only one God.

THE COURT: Well, a lot of different religions say that their God is the one God but there are -- technically people file documents in the military, they say that they belong to a particular religion; you're saying that you're just the child of God, you don't adhere to - you don't call yourself a Christian, you don't hold yourself out as a Muslim. Do you understand what I'm asking?

MR. ALSTON: My prophetic background, the beginning of my prophecy starts at the Dover Air Force Base in 1977 when I was an airman at the Dover Air Force Base. The United States Air Force documented it, has records that document it, that I said in 1977 that Ronald Wilson Regan was marked by the sign of the beast, that he was Satan incarnate. I said that he would be wounded in an assassination attempt -

THE COURT: Okay. This is -

MR. ALSTON: -- I said that he would -

THE COURT: -- you're kind of getting on a tangent here.

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MR. ALSTON: -- serve two terms, and I said that he would commit American troops to Israel's defense; in 1981 in Lebanon he did just that. The book that I've written The Lambs Book of Life documents those predictions and those prophets going back to 1977.

THE COURT: What you refer to as the Lambs Book of Life, Jesus referred to himself as the Lamb of God, do you following Jesus' teachings or are you following another teaching?

MR. ALSTON: Jesus said in Revelation 22:16; I Jesus have sent my angel to testify unto you these things in the churches, about Christ sent a messenger in the last days, and if you read your Bible that's what it says.

THE COURT: Okay. So, do you follow the Bible?

MR. ALSTON: Yes, I do.

THE COURT: You do.

MR. ALSTON: Yes, I do.

THE COURT: Okay. The Old Testament and the New Testament?

MR. ALSTON: Yes, I do.

THE COURT: Old and new. Okay.

All right. Do you have anything else that you want to present today, any other argument?

MR. ALSTON: I've come here, I've made no arguments, I've made statements.

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THE COURT: Okay.

MR. ALSTON: And I made factual statements. There is but one God, there is but one Christ, there is but one covenant and America now is a fallen nation of the New World Order is here, we're not waiting for the New World Order, it's here.

The Bible teaches that when the servant and the master, the servant is he who is in debt and the master is he who holds the debts. Right not China holds trillions of dollars of American debt, right now America is the servant to China, the New World Order is here.

THE COURT: What does that have to do with me wanting to change your name, just so I understand?

MR. ALSTON: I'm a prophet, ma'am, and I've said that three times.

THE COURT: Okay. So, you're basically making statements that are part of your prophecy?

MR. ALSTON: Yes, ma'am.

THE COURT: Okay. Okay. What I'm going to do is I'm going to –

You can step down.

(Whereupon, the witness stepped down).

THE COURT: Okay. And, since -- I'm going to hold this case and reserve decision and I'm going to take a look to see if I can find any case law regarding the matter and since you haven't objected to me

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contacting the Office of Disciplinary Council, I may contact them to see what their position is on the petition and if there's any objection, okay, and then I will send you a copy of my decision and should I use that 406 Arnold Court address?

MR. ALSTON: This is - God gave me today, that is the name that God has given me.

THE COURT: Okay.

MR. ALSTON: And, that is the bottom line here. Okay. So -

THE COURT: Right. Well, I understand that, you can certainly call yourself Eshed -

MR. ALSTON: But, ma'am, I didn't call myself -

THE COURT: -- but you want to legally change your name.

MR. ALSTON: -- I didn't call myself – and, again, the record needs to identify the truth of what I said. What I said is that God called me; he called me under the name of Eshed as of March 9th, 2009 –

THE COURT: Okay. But, you want –

MR. ALSTON: -- that is what I've said and that is what the record needs to show.

THE COURT: Okay.

MR. ALSTON: Thank you.

THE COURT: But, you want other people to refer to you as Eshed, is that correct?

MR. ALSTON: I want other people to refer to me in the

[p.14]

name that God gave me.

THE COURT: Okay. So –

MR. ALSTON: Yes, that's right.

THE COURT: -- I have to make the decision whether legally you can change your name to Eshed. Certainly, other people can call you Eshed but for your name to legally be on your driver's license, to be legally, I have to make that decision because I'm the

Judge and I have jurisdiction in this county to make those decisions.

MR. ALSTON: But, you understand, ma'am, for me it's a moot point because God is supreme.

THE COURT: I understand.

MR. ALSTON: Okay. And, he rules every human being.

THE COURT: I think the question is can it also be legally your name –

MR. ALSTON: Right.

THE COURT: -- and I will make that decision and I will send you a copy of my order.

MR. ALSTON: But, again, the record needs to show that God has given me the name and no human being can overrule God.

THE COURT: I understand what you're saying –

MR. ALSTON: Okay. I just want to make that clear for the record.

THE COURT: -- I understand, you don't want to call it an

[p.15]

argument, you want to call it a statement and I –

MR. ALSTON: It is a statement that no human being can overrule God, that is a factual statement.

THE COURT: Okay. I will write that down. Have a good day, thank you.

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CERTIFICATE OF REPORTER

I, Linda A. Lavender, Official Court Reporter of the Court of Common Pleas, State of Delaware, do hereby certify that the foregoing is an accurate transcript of the testimony adduced and proceedings had, as monitored and electronically recorded, in the Court of Common Pleas, in and for Kent County, in the case therein stated, as the same remains of record in the Court of Common Pleas, Kent County at Dover, Delaware.

WITNESS my hand this 29th day of March, 2010, A.D.

/s/_____
Certificate No. 172-PS
Expiration Date: Permanent

APPENDIX R

COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR KENT COUNTY

CA. No. CPU5-10-00463

[Filed March 15, 2010]

THE MATTER OF)
JERRY LEE ALSTON, PETITIONER)
)
TO)
)
ESHED J.L. ALSTON)

DATE: MARCH 1, 2010

In and For KENT County

JERRY LEE ALSTON
406 ARNOLD COURT
GENERALS GREENE
DOVER, DE 19901

SYSTEM ID: @2248034
--NOT AN E-FILE CASE–

AFFIDAVIT OF SERVICE AND FILING OF COMPLAINT OF VIOLATION OF THE FIRST AMENDMENT TO THE U.S CONSTITUTION REGARDING THE FREE EXERCISE OF RELIGION AND AFFIDAVIT IN SUPPORT THEREOF IN THE COURT OF COMMON PLEAS IN AND FOR KENT COUNTY DELAWARE

Be advised and take particular notice of the Filing of a complaint whereas the **petitioners address appears on the face of the document.** Regarding the attached two page comp1aint, it is under the title of COMPLAINT OF VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONETITUTION REGARDING THE FREE EXERCISE OF RELIGION. Be advised as to the filing of an **AFFIDAVIT** accompanies the filing of the written complaints of the noted violations. The **transcript of record of the hearing of March 12 2010 has been ordered** and supports the Petitioners accurate observations of bias and discrimination made herein and will be used in future and further documentation of the complaint.

/s/EShed J.L. Alston
EShed J.L. Alston

/s/Melanie Leigh Koch
NOTARY

COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR KENT COUNTY

CA. No. CPU5-10-000463

[Dated March 1, 2010]

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JERRY LEE ALSTON, PETITIONER	)
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In and For KENT County

JERRY LEE ALSTON
406 ARNOLD COURT
GENERALS GREENE
DOVER, DE 19901

SYSTEM ID: @2248034
--NOT AN E-FILE CASE–

COMPLAINT OF VIOLATION OF THE FIRST AMENDMENT TO THE US. CONSTITUTION REGARDING THE FREE EXERCISE OF RELIGION

Book of Rev. 18:1 And after these things, I saw another angel come down from heaven, having great power: and the earth was Lightened with His glory. 2 And He cried mightily with a strong voice, saying, Babylon the great is fallen, is is fallen and is become the habitation of devils, and the hold of every foul spirit and a cage of every unclean and hateful bird. 3

For all nations have drunk of the wine of the wrath of her fornication, and the kings of the earth have committed fornication with her, and the merchants of the earth are waxed rich through the abundance of her delicacies. 4 And I heard another voice from heaven, saying, Come out of her my people that ye be not partakers of her sins, and that ye receive not of her plagues. There is only one **GOD** and He is not a women, to be mocked by persons of flesh and blood. It is noted for the record the lack of neutrality demonstrated by Judge Reigle is in fact and function a valid example of judicial corruption and bias. There is no dispute, as to the material difference between a criminal proceeding and a civil hearing **for example the hearing for name change is** a civil forum **NOT** a criminal hearing. Judge Reigle's reference to the ongoing issues with the ODC raises two relevant legal issues. **1.** Use of linkage to the ODC in regard to alleged crimes in dispute, whereas **NOTICE OF APPEAL** has been filed have no place **as a mater of law in a civil name change hearing paid for by the petitioner NOT the State. 2.** The Court references to the ODC were premeditated and instant and raised irrevant **non Civil name change non Ministry issues** that are clearly outside of the letter, spirit, the scope and purpose of the name change petition. The **notably biased Judge** clearly violated the known requirement of neutrality. **A pertainent parable for exposing a corrupt judge is;** The State Court that is caught **mixing apple and grape juices, together can not** intelligently or with any validity call the resulting: concoction a pure example of either. It is a point of fact I observed the racist biased demeaner of the noted Judge in question. Although I was in fact the first person in the courtroom. March 12 2010 and my last name begins with A the first letter of

the Aphabet the record of **3/12/2010** documents **the fact I was the last person heard of the three** persons present. The two **Caucasians noted were granted the name change and** the one Amer-African was **treated with bias and was not. The undisputed facts** are clear, in this case there are violations of due process of laws **requirement of a unbiased neutral** judge that was absent in the case at bar. **In conclusion** I am including; the **transcript of record** of in this case with my petition to the U.S. **Supreme Court of an aparent** demonstration of the State's institutional racism in regard to the **Continual Violation Theory of Law,** in Obstruction of Justice **a felony.**

COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR KENT COUNTY

CA. No. CPU5-10-000463

[Dated March 1, 2010]

THE MATTER OF)
JERRY LEE ALSTON, PETITIONER)
)
TO)
)
ESHED J.L. ALSTON)
)

DATE: MARCH 1, 2010

In and For KENT County

JERRY LEE ALSTON
406 ARNOLD COURT
GENERALS GREENE
DOVER, DE 19901

SYSTEM ID: @2248034
--NOT AN E-FILE CASE

AFFIDAVIT OF RECORD OF PETITIONER IN SUPPORT OF THE ABSOLUTE RIGHT TO THE **UNOBSTRUCTED GUARANTEE** TO RELIGIOUS FREEDOM AND OR THE **GOD** GIVEN NAME CHANGE OF **ESHED** THE PROPHET

GOD has decreed there is **Only one GOD**, and He is neither, mortal or a women, it is He **Only** who is omnicient omnipresent and eternal. It is written in the Holy Bible, **GOD does not put new wine in an old bottle**. It is written **GOD** is the same yesterday, today

tomorrow always and forever and is eternally unchanging. It is **GOD** who gave me the new named, the new wine of the Spirit in the new name of **EShed March 9 2009**. The Book of Isaiah **62:2** And the Gentiles SHALL see thy glory and thou SHALT be **called by a new name** which **THE MOUTH OF GOD SHALL NAME.** The materially relevant quotation is incorporated herein. This is **NOT A CLAIM**, before the Court, **this is in fact** and function **an appointment** from through and by **GOD'S** exclusive authority and absolutely **not** subject to any human denial or intervention in any way. The failure of Judge Reigle to conduct a fair hearing or to adhere to **GOD'S** sovereign decree and absolute authority **DOES NOT** in anyway place any doubt on my true Prophetic identity in **GOD'S** sight but rather in fact the current circumstances exposes real doubt in terms of the Judges actual motives in terms of apparent irrational, bizarre and grandiose beliefs of Judge Reigle in particular and many other Caucasian judges that at best she and they are **GOD'S** equal, and at worse she and they are essentially **GOD'S** superior capable of overruling **GOD**. Given she has appointed herself as **GOD'S** judge and essentially **in her mind and their minds only** are they capable of overruleing **GOD'S** decision. Only satan asserts in flesh and blood to be **GOD'S** equal. No one serves two masters. I do not care nor does Father **GOD** care **He** who sent me and named me **EShed,** what Judge Reigle or the corrupt Delaware judicial system believes in her and their ignorance, and arrogance. The judge is deceived by satan not the Petitioner in her foolish self centered judgment of **GOD** who is the creator and the judgment of ALL including her. For the record it is **GOD** Almighty that instructed me in this particular **AFFIDAVIT** to tell Judge Reigle and the corrupt

institution of the Delaware Court that **GOD** has a Word for her and for them. The message to them and to her is to **repent** because **GOD** has judged her and them to be evil, blind, unacceptable, corrupt, in apparent error, and in disrespect to **GOD** and to the Prophet **EShed**. Judge Reigle is in abject clear and apparent material error to and of the will and authority of **GOD**. This document stands in written objection to the noted illegal denial of a neutral unbiased judge a noted requirement of due process of law.

[hand written]
I swear these facts are true so help me God

/s/ Mar 15 2010

APPENDIX S

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

[May 10, 2010]

HONORABLE ANNE HARNETT REIGLE
MEMORANDUM OF RECORD RECEIPT
OF TRANSCRIPTS OF 3/12/2010

There is only one true judge, He is the Great **GOD Almighty**, although He is called by many names, He does not answer to everyone and does not answer to them all. The nature of **GOD** is Truth, Justice, and Power. The particular purpose of this document is to expose manifest judicial corruption in your Court that was apparent, inherent and forever **memorialized in the transcript of March 12 2010.** FREEDOM OF RELIGION is the absolute right to adhere to any form of Religion or to no religion, and the right under law to be free from any governmental interference, with or the promotion of any religion sanction by the Court or the State is a noted as violation of the guarantee inherent for all citizens by the First Amendment of the **United States Constitution Article VI Section 3.** It is noted **The BILL OF RIGHTS** Religion clause **is invoked** pursuant to the provision stating "that Congress shall make NO LAW respecting an establishment of religion or prohibiting the FREE EXERCISE thereof" U.S. Constitution Amendment 1. A copy of the transcript of noted infractions of law and

a copy of my newly published book cover is furnished for your review and enlightenment. For the record the entire transcript is a demonstration of judicial abuse in violation of hdom of Religion and noted racial profiling and manifestly unethical conduct during the entire hearing. On page **4** of the transcript is the **first** of the noted infractions of proper conduct, and demonstration of noted judicial improprieties of Judge Reigle as identified from the transcript, with specificity and particularity, as a violation of my fundamental right to practice my Religion to include use of my **GOD** given name without interference. For relevant example it was also unethical as well as procedurally improper for Judge Reigle to corruptly attempt to illicit adverse information from me during the hearing commensurate to the subject known to her on Appeal to the U.S. Supreme Court implicating the State of Delaware Supreme Court to include **charges of corruption against the Board on the Unauthorized Practice of Law on Appeal.** Your repeated badgering under the noted circumstances evidences purposeful corrupt intent and a corrupt motive in malicious persecution as is noted on pages **3,4,5,6** and **7** whereas you unsuccessfully attempted to interfere against my interest interfering with the appeal subject matter by demanding I give answers in favor of the character of the States information regarding the ongoing appeal THAT HAD ABSOLUTELY NOTHING TO DO WITH THE SUBJECT OF THE NAME CHANGE HEARING PREDICATED ON RELIGIOUS GROUNDS the following examples are from the transcript "It's come to my attention, simply because of an officer of the court that there was recently a decision by the Office of Disciplinary Council that directed you to cease and desist the unauthorized practice of law? There is no

dispute this **WAS NOT** a unauthorized practice of law hearing initiated by the State or a hearing initiated by the Court **but rather a CIVIL NAME CHANGE hearing paid for and initiated by the petitioner "MR. ALSTON:** and **GOD** appointed me to that name and quite frankly no human being has any authority to do anything that **GOD** appoints, so what I'm **saying** is that-" **THE COURT** "Okay Well, you're getting to the reason why you want to change the name" **MR. ALSTON** Yes **THE COURT** Can you just answer my question first just so I understand." Judge Reigles noted disingenuous remarks are consistent with her exposed corrupt racist motives **whereas her question had in fact been fully answered. MR. ALSTON:** I've answered your question to the best of my ability." **THE COURT:** No. What exactly did and do you mean by your response with the noted word No Judge Reigle? Only a truly racist Caucasians believes Amer-Africans and people of color are children of a lesser **GOD**. It is that twisted warped perception that you are above not only me as a Black person but MY INFERIOR **GOD** as well **THAT IS AT ISSUE ON APPEAL.** Be advised page 6 of the transcript of record in its entirety is incorporated into this document as manifest demonstration that the conduct of Judge Reigle was unlawful and are in clear violation of the FIRST AMENDMENT to the UNITED STATES CONSTITUTION THERE WILL BE NO BARRIER TO THE FREE EXERCISE OF RELIGION. "It has the name Jerry L. Alston is that the same person, and order against you? The twisted form of the Judges statement was not a question at all as stated it is and was a devious purposeful statement that had been addressed previously that was repeated in due and wrongful consideration in regard to the States known competing cross interest on appeal in dispute "that

directed you to cease and desist the unauthorized practice of law." Demanding an answer to the question in dispute was purposeful to adduce an answer favorable to the State interest on appeal whereas Judge Reigle was well aware by her own admission these issues were contested on appeal to the U.S. Supreme Court. The undisputed facts documented in the transcript of record absolutely taken as a whole exposes Judge Reigle to the well documented valid charge of judicial corruption in coercion and interference in the furtherance of obstruction of justice predicated on race and religious factors amounting to noted malicious persecution steeped in unlawful racial profiling of the Black petitioner by Judge Reigle March 12 2010 whereas by her own admission Judge Reigle was fully aware of the filing of appeal to the U.S. Supreme Court **Second** there is no dispute as to the material fact Judge Reigle admitted from the very beginning that **ALL requirements for granting the name change initially were met.** On page 1 and two what appears to be a long winded question from the Court, on in depth analysis it is an unwarranted statement constituting meritless unlawful attack on the petitioner's Religion and integrity. **Fourth** there is no dispute that petitioner remained focused and respectful to the corrupt Court in spite of the noted disrespect and distraction from the racist Court, shown to the Petitioner on page **5** the following is found **MR ALSTON:** Isaiah 62:2 states; "when I call a prophet, I call him by a new name. Simon-Barjona, Peter, Paul of sarsus excuse me, Saul of Tarsus call– **GOD** gave me the name EShed". **This was the specific reason petition was filed. Fifth** the overall biased hearing environment created by Judge Reigle was racist, biased and corrupt and is best described as documentation of the illegal practice of institutional

oppression while **RACIAL PROFILING** in violation of **RELIGIOUS FREEDOM** whereas bias that was against me was clear, constant and consistent and unwarranted and was not demonstrated to either. of the Caucasian females that were granted their name changes instantly only I was required to wait. Regarding complaint number **Six** illegal disparate treatment is defined for the purpose of this action as meaningful unconstitutional conduct identified as foreseeably favorable to the States interest and racially motivated in violation of the letter and the spirit of both State and Federal Constitutional law relating to a unconstitutional religion LITMUS TEST conducted by Judge Reigle. Racketeering is the use of the Courts influence in a illegal manner, such as noted racial profiling in violation of Religious Freedom for example. There is violation of both the equal protection of the law and due process of law, whereas the absolute right to a fair unbiased judge is a core element, component and a guarantee of due process of law. The **Seventh** noted issue of concern is the violation of the **FIRST AMENDMENT** guarantee that there will be NO State Barrier or State impediment to the free exercise of choice of religion. It is noted violation of the Civil Rights Act repeatedly occurred noted under the doctrine of **Color of law,** whereas Judge Reigle is a agent of the State through the principle of agency. For relevant example pages **6, 7, 8, 9, 10, 11, 12, 13, 14,** and **15 evidences noted and numerous violations of Federal Constitutional law and are objected to as such herein in writing.** Be advised and take particular notice Judge Reigle Reverend Doctor Martin Luther King Junior spoke for **GOD** when he said **"truth crushed to earth will rise again, because the arc of the moral universe is wide but it bends toward**

justice." For the record your actions as noted are corrupt and unjust. A COPY OF THIS FILING IN YOUR COURT TO INCLUDE THE WHOLE CASE FILE IN THIS ACTION CONTAINING THE NOTED TRANSCRIPT WILL BE PART OF THE CONTEMPORANEOUS RECORD OF NOTED STATEWIDE JUDICIAL CORRUPTION ON APPEAL TO THE UNITED STATES SUPREME COURT. There is one **GOD** and He is the same yesterday, today, tomorrow always and forever. Your actions offend **GOD** and it is He who shall ultimately judge All flesh and blood and every knee shall bend to Him. In closing the following whole pages are presented pursuant to this notation identifying what the particular page identifies for example page **8 and 9** documents the Courts bias and corrupt motives are inherent in the false statement **THE COURT** Okay, well, I accept your testimony that that is that date. So is it your argument that you're not required to abide by the laws of the state of Delaware and the United States of America because the law of God is Supreme or-just help me understand the argument. The referenced statement constitutes premeditated racial profiling, and unethical **interference with the known filing of appeal to the United State Supreme Court** implicating the State Court's racist system. Nowhere it is noted in the previous 7 pages that the Petitioner at any time made any such statement. Petitioner's contemporaneous statement in response serves as instant evidence that radical Judge Reigle had a motive and was acting illegally on behalf of the State interest falsely painting Petitioner with the false brush of the radical. **MR. ALSTON:** I've made no such statement and let the record show that the statement referenced by the Judge is commensurate to anything I've said. I made no statement about the American

government, I've made no statement about anything other than coming here for Ministry reasons to change my name" The answer above places both the judges corrupt motives and actions in proper context. Regarding page **10** the unlawful exchange is so repugnant that I do not know where to start **MR ALSTON:** I'm a child of **GOD,** that's what I am. That specific statement should have ended **the illegal interrogation ON MY RELIGION and did not** because this corrupt court had a motive as noted in the rest of the Courts inquiry on pages **10,11** and **12** which foreseeably VIOLATED MY FIRST AMENDMENT RELIGIOUS RIGHTS and also WERE BLATANTLY RACIST which are OBJECTED TO as a unreasonable VIOLATION OF the Right to practice my Religion without being under attacked hm or by the State as documented by the noted examples in the Reigle corrupt conduct. Pages **13 14** and **15** brings into focus the material fact that you as do many other like minded Caucasian racist believe either Caucasians are equal to **GOD** or Amer-Africans are children of a lesser **GOD** than Caucasians and therefore inherently inferior. Before I present the evidence from the record an observational argument is asserted, **THERE IS ONE GOD.** The Holy Bible teaches that the line of Christ Jesus is RUDDY. RUDDY is by definition the color RED. THE LINE OF CHRIST IS COLORED PEOPLE, and WHEN YOU HAVE SEEN THE SON YOU HAVE SEEN THE FATHER. It is impossible to get Caucasian color which is an absence of pigment out of RED, The irony is that Caucasian are not colored nevertheless Jesus Christ absolutely was a man of Color and not a Caucasian as is taught in the false tradition and doctrine of the unlearned and the ignorant. **MR. ALSTON:** But, again the record needs to show that **GOD** has given me the new name and no

human being can overrule **GOD. THE COURT:** I understand you don't want to call it an argument, you want to call it a statement and I- **MR ALSTON:** IT IS a statement that no human being can overrule **GOD** that is a factual statement. There is a recognized separation of Church and State. There has never been a separation of **GOD** and country ,this is the reason only American currency proclaims IN GOPD WE TRUST. The Complete 16 page transcripts attached serves as a complete evidentiary record of documented judicial corruption predicated on race and religion in violation of both the equal protection of law and due process requirements of law inherent in the Bill of rights The U.S. Constitution and the Holy Bible **GOD'S** law regarding a fair hearing.

Sworn to and Subscribed before me this 10th day of May, 2010

Jerry Alston
/s/Jerry Alston

Notary
/s/Annette D. Ashley
[SEAL]

APPENDIX T

IN THE SUPREME COURT OF THE STATE OF DELAWARE

No. 554, 2008

[January 8, 2009]

JERRY ALSTON,

Appellant,

v.

DELAWARE SUPREME COURT ET AL.,

Appellee,

AFFIDAVIT

IN PLAIN LANGUAGE FROM THE PRO SE AMER-AFRICAN OR BLACK APPELLANT TO MOVE THE CASE ALONG IN LIMBO SO THAT THE U.S. SUPREME COURT CAN REVIEW A FINAL DECISION FROM THE DELAWARE SUPREME COURT TO EITHER GRANT THE FILING OF INTENT TO APPEAL PAID FOR IN THIS COURT IN THIS CASE OR NOT TO GRANT THE APPEAL TO THIS PARTICULAR COURTS JURISDICTION WHICH WOULD BE A NECESSARY FINAL ORDER

WHICH IS THE ONLY RELEVANT ISSUE BEFORE THE DELAWARE SUPREME COURT WHICH HAS NOT BEEN ADDRESSED IN 46 DAYS AND COUNTING AS OF JANUARY 8 2009.

BE IT REMEMBERED that on January 8 2008 appellant Jerry L. Alston personally came before the prothonetary a subscriber and Notary Public for the State of Delaware Kent County aforesaid, the appellant is a pro se Amer-African interested party whereas response to a order to show cause was filed on Nov. 20 2008 seeking granting or not granting of appeal to the Delaware Supreme Court whereas it is known to the Delaware Supreme Court further appeal is sought ultimately seeking appeal review before the United States Supreme Court jurisdiction.

1. The specific purpose of this filing of affidavit is to preserve the contemporaneous record. In plain language this affidavit is to move this particular case along so that the U.S. Supreme Court can review the State Courts final decision. When and whereas the issue before the Delaware Supreme Court could not be more simple to resolve, either grant the filing of appeal or not failure to address the Response to Order to Show Cause filed Nov.20 2008 in 46 days is the demonstrated lack of respect shown to racial issues or institutional racism in particular and the specific pro se appellant demonstrates a noted failure to act in any other way other than with abject disrespect toward this Black pro se litigants. It has been this particular pro se plaintiff below appellant's personal observation and personal experience the noted status of "pro se" favor must be "reserved for Caucasian pro se persons" given appellant's relevant experience as a Black and or Amer-African pro se litigants in a 10 year timeline. It

is a consistent fact noted through appellants testimony, experience and personal observation of this particular Black or Amer-African litigants are not treated with flexibility or any respect at all by the Justices of the Delaware Supreme Court I swear these facts are true so help me God.

2. The Delaware Supreme Courts document FILING AN APPEAL IN THE SUPREME COURT OF THE STATE OF DELAWARE *A CITIZEN'S GUIDE* is specifically referenced and incorporated into this filing of MOTION simultaneous to AFFIDAVIT in Plain language to move the case along so that the U.S. Supreme Court can review the final decision rendered by the Delaware Supreme Court. The Delaware Supreme Court has a motivated interest in this case to obstruct justice through delay relating to material facts and circumstances you are fully aware implicates the Delaware Supreme Court actions in particular and specifically your actions Justice Steele yet you delay filing an order is that not racial obstruction of justice?

3. There is no dispute as to the material fact the "*A CITIZENS GUIDE*" states page1. This pamphlet is intended to assist non-lawyers with the basic procedural steps that must be followed when filing an appeal in the Delaware Supreme Court. "This pamphlet reflects the Supreme Court Rules in effect as of **March 1 2004. The Rules are always subject to change without notice.**." This is the self serving introduction placed on the record by the Delaware Supreme Court exposing a flaw of conflict of interest in both the document specifically and the conflict with appellants appeals rational premise and documented noted isolated components. The document pamphlet of the Delaware Supreme Court published for "non

lawyer" consumption by the Court is materially in error the question is raised who are what is the basis of such a belief noted as in error by a pro se litigant with over 10 years of relevant experience and several filings before the Delaware Supreme Court. For relevant example "Although the Court will be flexible about the form and contents of your brief if you are self represented you should present your brief in as organized a fashion as you possibly can" Viewed in a 10 year context relating to the issue of racism and the legal community it has been consistently in favor of the legal community there is no truth whatsoever to the statement "the Court will be flexible about the form and contents of your brief" as taken from the relevant perspective of a pro se litigant with over 10 years of experience and several filings of appeal before the Delaware Supreme Court. "The Court is strict about enforcing these rules if a brief is filed by a lawyer on behalf of a party. If you are self represented the court will relax some of the rules regarding the form and content of your brief." **"Self-represented".** The term used for a person who does not retain a lawyer and appears on his own behalf before the Court. Also known as "pro se." Appellant as both a fact and evidentiary witness to the material fact the Delaware Supreme Court has been Court will **relax** some of the rules" in appellants favor in fact and function the Delaware Supreme Courts treatment of this particular Appellant Jerry L. Alston has been consistently shoddy, unjust, cruel and unusual racially motivated treatment and very "strict about enforcing these rules" adverse to appellants interest in aggressive foreseeable favor of the Caucasian dominated legal community as a "required" racially identifiable illegal function of the historically

Caucasian dominated Delaware Supreme Court and Delaware legal system.

4. The Delaware Supreme Court has a credibility problem current Rules and State Constitution invoked through Legislative intent absolutely prohibit the actions, conduct, activities, requirements, and racial and status bias complained of. *Hoff v. State* As a matter of State law the Delaware Supreme Court is compelled as a matter of law by and through the Delaware Constitution to interfere affirmatively on the behalf of the litigant regardless of race or color injured by prohibited actions, conduct, requirements and activities complained of on appeal.

5. It is appellant's good faith intent with this particular filing to move this case along to the United States Supreme Court's jurisdiction. A Copy of this filing of affidavit is being sent to the Clerk of the United States Supreme Court in regard to the noted passing of time at all times controlled by the Delaware Supreme Court with no Court order to date to either grant or deny the appeal which would constitute a necessary final order from the Delaware Supreme Court. It is consistent with documented corrupt motives and facts and circumstances known to you Justice Steele and Justice Ridgeley and you Justice Holland that identify thus far you have obstructed appellant a felony even though you are responsible for a Citizens Guide for pro se litigants that says you are "flexible and affirmatively relax the Rules" in favor of this pro se litigants the document you are responsible for producing is either true or false and either a material fraud or not a material fraud which is it Justice Ridgeley and Steele and Holland?

[Hand Written]
Iswoar these facts are true
so help me GOD.
/s/_____

Sworn and subscribed this
8th day of January 2009.

/s/Annette D Ashley
Notary [SEAL]

APPENDIX U

TIMELY WRITTEN PROCEDURAL REQUEST
FOR THE RECORD ON APPEAL CLERK
of the Delaware Supreme Court

[see foldout page]

This document evidences corrupt intent of the three Judge noted. 16 Would not supply as of 27 May 2010 filed on 5/26/2010 date

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF:	§	
	§	No. 717, 2009
JERRY L. ALSTON,	§	
	§	UPL No. 2008-0664-U
Respondent.	§	

I did not write this entry on my Filing

Submitted: January 6, 2010
Decided: March 1, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

TIMELY WRITTEN PROCEDURAL REQUEST FOR THE RECORD ON APPEAL

CLERK of the Delaware Supreme Court **Procedural demand pursuant to appeal**

TO WHOM IT MAY CONCERN: Writ of certiorari has been completed regarding the filing of appeal through Writ of Certiorari to the UNITED STATES SUPREME COURT. This is a hand delivered document hand delivered to the Clerk of the Delaware Supreme Court. on **MONDAY 24 May**. I will need the documents by Wednesday 26 May 2010 **for timely filing of the appeal that is awaiting the attachment of these 5 Orders** I for the sake of time WILL PICK UP the documents when ready please call (302) 264-9568 or (302) 399-9071. The appendix contains the entries and whereas a **certified copy** of the following SHALL BE ATTACHED to the filing timely requested satisfying the Rule.

The three Judges would not make unavailable Court Would not comply or supply

Court Orders No. 717, 2009	submitted **Jan. 6 2010 decided March 1 2010**	
Court Order No. 607 2001	ALSTON v. Witham	Only Super Court final order available
Court Order No. 554 2008	ALSTON v. White and Williams LLP	
Court Order No. 582 2008	ALSTON v. Delaware Supreme Court et al	
Court Order No. 413 1998	ALSTON v. Hudson Jones and Jaywork et al.	

E$hed Alston aka Jerry. L. Alston I swear these facts are true so help me **GOD**

24 May 2010

Hand delivered to The Clerk on 24 May

APPENDIX V

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY

C.A. No. 08C-05-023WLW

[November 19, 2008]

JERRY L. ALSTON and TRIPLE 7 PARA-LEGAL SERVICES

Plaintiffs,

v.

WHITE AND WILLIAMS LLP and MARC S. CASARINO,

Defendants.

Submitted: August 18, 2008
Decided: November 19, 2008

ORDER

Upon Defendants' Motion for Summary Judgement. Granted.

Jerry L. Alston, *pro se*.

John D. Balaguer, Esquire of White and Williams, LLP, Wilmington, Delaware; attorneys for the Defendants.

WITHAM, R.J.

FACTS

On February 25, 2008, Jeny L. Alston ("Plaintiff"), owner of Triple 7 Para- Legal Services ("Triple 7", received a telephone call from White & Williams attorney Marc S. Casarino ("Casarino" and together with White & Williams, "Defendants") regarding Plaintiff's contact with Delaware State University ("DSU") on behalf of a former DSU employee.[1] Casarino explained to Plaintiff that his efforts on behalf of the DSU employee constituted the improper practice of law without a license, and that his conduct had been reported to the Office of Disciplinary Counsel ("ODC"). Casarino advised Plaintiff that he was "acting at his own peril" by continuing to represent the former DSU employee. Plaintiff believed this *peril* statement was a personal, racially motivated threat against him. Defendants followed up the February 25, 2008 telephone conversation with a letter demanding that Plaintiff cease and desist all further contact with DSU as a representative of anyone else's legal interest.[2]

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[1] On February 19, 2008, Plaintiff, a non-lawyer, sent DSU an Entry of Appearance and Demand for Production of Documents, holding himself out as Micah L. Parker's legal representative.

[2] Defs. Mot. to Dis., Ex. B. Defendants letter explains the *peril* statement as follows:

On May 16, 2008, Plaintiff, *pro se,* filed a Complaint alleging malicious harassment and civil rights violations against Defendants based on the February 25, 2008 telephone call.[3] On June 20, 2008, Defendants filed a Motion to Dismiss, or in the alternative, Motions for More Definite Statement and to Stike Immaterial, Impertinent and Scandalous

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> I explained to you in a calm manner that your conduct is not permitted and asked that you refrain from further contact with [DSU]. Your repeated telephone calls in which you have become hostile with [DSU] personnel are inappropriate. You indicated that you are going to continue your conduct in this matter. I advised you that you are doing so at your own peril as continuing your pattern of harassment may give rise to a legal claim against you. You raised your voice at me and accused me of threatening and harassing you. That is simply an inaccurate assessment of our telephone conversation.

[3] In his Complaint, Plaintiff describes Casarino as a "threatening, hostile, harassing, loud talking, discourteous, angry individual." Compl. at 4. While the majority of Plaintiff's complaint focuses on racial discrimination, Plaintiff does not attribute a specific racist statement to Casarino in the February 25, 2008 telephone call. Nevertheless, Plaintiff's Complaint contains the following racially-charged language:

> It is not only the annotated racial component of the particular acts complained that is at issue, It (sic) is the racist, cavalier, undertone, the so what, you are just a nigger, arrogant attitude, of the defendant that required the filing of complaint of malicious harassment which is illegal regardless of racial factors identified in this case.

Compl. ¶ 3.

Matters.[4] Oral arguments were heard on August 8, 2008.[5] This Court deferred judgment and permitted the parties to file supplemental memoranda in support of their position. Plaintiff filed an Affidavit of Incorporated References on August 26, 2008, accusing this Judge of obstruction of justice during oral arguments.[6] On September 23, 2008, Plaintiff filed a Plea to the Mercy and Compassion of the court.[7] Defendants did not submit supplemental briefings.

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[4] On July 10, 2008, Plaintiff filed a motion to recuse the assigned judge based on alleged biased conduct displayed by the Court to Defendants, motivated by racial discrimination against Plaintiff. The motion was denied on August 4, 2008.

[5] In a letter to the parties dated August 8, 2008, this Court announced it would treat Defendants' Motion to Dismiss or for More Definite Statement and to Strike Immaterial, Impertinent and Scandalous Matters as a motion for summary judgment.

[6] Plaintiff accuses this judge of having a "long term well documented racist history, intent and unjust motives," and describes him as "a (sic) advocate of the defendants." Plaintiff points out that he was interrupted no fewer than 25 times during oral arguments, and that the Judge used a "demeaning, condescending, and disrespectful tone" toward Plaintiff during oral arguments. Aff. Incorporated References at 1-2.

[7] Plaintiff's Plea to the Mercy and Compassion to the Court does not refer to the facts or legal arguments of the case *sub judice*. Instead, it lists the Webster's Dictionary definitions of "compassion," "mercy," and "justice." Pl. Plea for Mercy at 1. Plaintiff then asks this Judge to "end the cruel and unusual punishment complained of by plaintiff now in place for ten years." *Id.* at 2.

Defendants' Arguments

Defendants argue that Plaintiffs complaint is nothing but a contrivance to harass Defendants with baseless, defamatory, and vile insults, and fails to state a complaint upon which relief can be granted. Delaware does not recognize a claim for "malicious harassment," and Defendants argue they are immune from liability with respect to any statements made in the course of a judicial proceeding.[8]

Furthermore, Defendant argues that Plaintiff should be sanctioned for disregarding the Delaware Supreme Court's prior ruling that Plaintiff, a non-lawyer, cannot file legal matters on behalf of another individual or entity.[9] In addition to dismissal and payment of all of Defendants' fees and expenses, Defendants request that this Court refer Plaintiffs conduct to the Office of Disciplinary Counsel for further investigation pursuant to Supreme Court Rule 86(d).

Plaintiffs Arguments

Plaintiff argues that Defendants arguments are "flawed and poorly constructed," and there is no dispute as to any material facts. Plaintiffs complaint should not be dismissed because the complaint gives general notice as to the nature of the claim asserted

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[8] The specific nature of the dispute with DSU, nor the fill nature of Plaintiff's actions on behalf of the former DSU employee, are disclosed or before this Court.

[9] *Alston v. Delaware Dept. of Justice*, 931 A.2d 436 (Table), 2007 WL 2323843 n. 1 (Del. Aug 15, 2007).

against Defendants. In addition, Plaintiff maintains that this Judge showed blatant and unfair advocacy for Defendants' interests in the August 8, 2008 oral argument.

STANDARD OF REVIEW

Summary judgment should be rendered only if the record shows that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.[10] The facts must be viewed in the light most favorable to the non-moving party.[11] Summary judgment may not be granted if the record indicates that a material fact is in dispute, or if it seems desirable to inquire more thoroughly into the facts in order to clarify the application of the law to the circumstances.[12] However, when the facts permit a reasonable person to draw but one inference, the question becomes one for decision as a matter of law.[13]

DISCUSSION

1. Malicious Harassment

"Malicious harassment," as Plaintiff alleges in his Complaint, is not recognized at common law or in tort, nor is it an enumerated crime in the Delaware Code.

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[10] Super. Ct. Civ. R. 56(c).

[11] *Guy v. Judicial Nominating Comm'n*, 659 A.2d 777, 780 (Del. Super. Ct. 1995).

[12] *Ebersole v. Lowengrub*, 180 A.2d 467, 468-69 (Del. 1962).

[13] *Wootten v. Kiger*, 226 A.2d 238, 239 (Del. 1967).

Delaware Code Title 11, Section 1311 provides, in pertinent part, the following for harassment:

> (a)A person is guilty of harassment when, with intent to harass, annoy or alarm another person:
>
> (1) That person insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct *which serves no legitimate purpose* and is in a manner which the person knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.[14]

This statute was enacted "not to protect any particular class, but the public in general, and accordingly, no civil cause of action may be based upon (11 *Del. C.* § 1311]."[15] Therefore, Plaintiff may not base his civil lawsuit on criminal harassment. Plaintiffs claim, however, if properly stated, would be for the tort of intentional infliction of emotional distress.[16]

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[14] 11 *Del. C.* § 1311 (2008) (emphasis added). Because Casarino's warning served a legitimate purpose, the elements for harassment under 11 *Del. C.* § 1311 would not have been met in a criminal case.

[15] *Shaffer v. Davis*, 1990 WL 81892, at *3 (Del. Super. Jun. 12, 1990) citing *Desmond v. Lucks*, 1988 WL 90500, at *3 (Del. Super. Aug. 19, 1988).

[16] *See Brett v. Berkowitz*, 706 A.2d 509, 513 (Del. 1998) (affirming the trial court's decision to treat the plaintiff's civil complaint for offensive touching and sexual harassment as a claim for intentional infliction of emotional distress because a statutory private remedy was not available).

The elements of intentional infliction of emotional distress provide: "one who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress, and if bodily harm to the other results from it, for such bodily harm."[17] "It is not enough that a defendant acted with tortious or criminal intent, intended to inflict emotional distress, or even that his conduct has been characterized by malice or a degree of aggravation that would entitle the plaintiff to punitive damages under another tort."[18] Rather, the conduct must be so extreme that "it exceeds the bounds of decency and is regarded as intolerable in a civilized community."[19] Whether a defendant's conduct is sufficiently extreme and outrageous is generally an issue for the trier of fact.[20]

Casarino's use of the words "act at your own peril," along with allegedly raising his voice at Plaintiff, does not constitute intentional infliction of emotional distress. Webster's Dictionary defines "peril" as "exposure to the risk of being injured, destroyed, or

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[17] *Farmer v. Wilson*, 1992 WL 331450, at *4 (Del. Super. Sep. 29, 1992) (explaining that "[t]he tort does not exist to provide a cause of action against someone who exercises poor judgment. . . . [but to] hold accountable someone who does something atrocious and intolerable.").

[18] *Rhinehardt v. Bright*, 2006 WL 2220972, at *4 (Del. Super. Jul. 20, 2006), citing *Beckett v. Trice*, 1994 WL 710874, at *4 (Del. Super. Nov. 4, 1994).

[19] *Rhinehardt*, 2006 WL 2220972, at *4, citing *Thomas v. Harford Mut. Ins. Co.*, 2004 WL 1102362, at *3 (Del. Super. Apr. 7, 2004).

[20] *Id.*

lost."[21] Casarino's warning that Plaintiff would expose himself to injury if he continued to practice law without a license was not extreme and outrageous conduct.[22] While Plaintiff may have been personally insulted by Casarino's language, the warning does not exceed the bounds of decency. In fact, Casarino provided Plaintiff with a legitimate warning, specifically, that Plaintiff would face sanctions from the ODC for engaging in the unauthorized practice of law.

Plaintiff's drastic response to Casarino's legitimate warning does not constitute extreme emotional distress, but rather indicates a lack of understanding of the serious consequences of practicing law without a license, as well as Plaintiff's extreme and unwarranted sensitivity to criticism. Thus, Plaintiff has not established the elements for intentional infliction of emotional distress and summary judgment is granted to Defendants.

2. Rule 11 Sanctions

Superior Court Civil Rule 11(c) allows for the award of attorneys fees under certain circumstances, which include introducing litigation to harass or cause unnecessary delay or increase in the cost of litigation,

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[21] Merriam-Webster Online, http://www.merriam-webster.com/dictionary/peril.

[22] *Alston v. Delaware Dept. of Justice*, 2007 WL 2323843 n. 1. The Delaware Supreme Court noted that Plaintiff, a non-lawyer, could not file legal matters on behalf of another individual or entity.

or the presentation of frivolous legal argument.[23] "Significant procedural requirements are associated with this rule, however, including the fact that a motion made under the rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate the rule."[24] A motion made under this rule may be denied for failure to comply with these requirement.[25]

In its motion, Defendants request sanctions and an award of attorneys fees. Defendants also request that this Court refer Plaintiff's conduct to the Office of Disciplinary Counsel for further investigation. Defendants shall file a separate motion for sanctions describing Plaintiffs specific conduct alleged to violate Rule 11. A copy of this opinion will be forwarded to the Office of Disciplinary Counsel for further review.

CONCLUSION

For the foregoing reasons, Defendants' Motion for Summary Judgment is GRANTED. IT IS SO ORDERED.

/s/William L. Witham, Jr.
R.J.

WLW/dmh
oc: Prothonotary
xc: Order Distribution

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[23] Super Ct. Civ. R. 11(c), *Shannon v. Meconi*, 2006 WL 258313, at *4.

[24] *Meconi.*, 2006 WL 258313 at *4 (internal quotations omitted).

[25] *Id.*

APPENDIX W

CLERK OF U.S. SUPREME COURT CAUTION NOTICE TO BEWARE AFFIDAVIT OF MATERIAL, NONCOMPLIANCE WITH RULES OF LAW

From EShed aka Jerry ALSTON on appeal through Certiorari

filed 26 May 2010

MEMORANDUM OF RECORD

Material interference with the processing of appeal

CLERKS of the U.S. Supreme Court specifically this particular documents herein serves the purpose of exposing the deliberate attempts to delay a timely filing to your Court. This document explains why Judges Ridgely Holland and Steele have directed their Clerk Cathy Howard to intentionally and purposefully interfere with the processing of the appeal taken against those who are ultimately responsible for the noted exposed deception. The certified record that you are sent makes no mention **of 413 1999 Hudson Jones et al.,**. I anticipated that these three Judges would try to pull something corrupt and underhanded so I pulled the record. In the record which I had certified and sent you **413 Hudson Jones et al., 1999** is found. I have enclosed a copy of all relevant documents I have referenced for your inspection and comparison with what Cathy Howard has sent you. In

closing The Delaware Supreme Court clerk is sending the U.S. Supreme Court Clerk, wrong information and certifying a record that she knows is incorrect because that is what she was directed to do. Cathy Howard knows full well **there are two 413's** one was filed in 1998 the other the one I demanded was 413 in 1999 HUDSON JONES AND JAYWORK et al., does not appear at all in the false record she sent to you. See exhibit 16. For the record this document to the Clerk is to fully explain why pages 1 and 2 are not with the rest of appellant's brief sent timely 26 May 2010 to the U.S. Supreme Court.

Jerry L. AKA EShed Alston
/s/
I swear these facts are true so help me GOD

/s/Tina Sanchez
Notary
appeared this 28th day of 2010
[SEAL]

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Delaware Supreme Court court appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished

JURISDICTION

[ ] For cases from **state courts**:

The date on which the highest state court decided my ease was Mar 1 2010.
A copy of that decision appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

State of Delaware)
) ss.
Kent County)

I, Cathy L. Howard, Clerk of the Supreme Court of the State of Delaware, do hereby certify that the foregoing is a true and correct copy of the Order, *In the Matter of: Jerry Lee Alston*, Nos. 413, 1998, 607,2001, 554,2008, 582,2008, and 717,2009, as the same remains on file and of record in said Court.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the seal of said Court at Dover this 24th day of May, A.D. 2010.

/s/Cathy L. Howard
Cathy L. Howard
Clerk of the Supreme Court

[SEAL]

LIST OF PARTIES

[ ] All parties appear in the caption of the case on .the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Specifically named in the complaint are specifically the Delaware Supreme Court as an entity, and The Delaware Superior Court as an entity in particular Justices Berger, Harnett, Veasey, Holland, Steele and Ridgely and specifically Judge Witham is named whereas Patricia Bartley Schwartz and Andrea Roccaneelli and John Balaguer and William Doerler and Danielle Yearick as per the example noted on the record are named herein is WHITE WILLIAMS LLP who and that are named and do appear in the caption.

Court Order No **717** 2009 ALSTON v. **ODC** Submitted Jan 6 2010 decided Mar.1 2010

Court Order No. **607** 2001 ALSTON v. WITHAM

Court Order No. **554** 2008 ALSTON v. WHITE AND WILLIAMS LLP

Court Order No. **582** 2008 ALSTON v. DELAWARE SUPREME COURT et al.,

Court Order No. **413** 1998 ALSTON v. HUDSON JONES AND JAYWORK et al.,

Court Order No. **08C-05-023WLW**

APPENDIX X

U.S. Const. Amend. XIV

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * *

Also, see the Civil Rights Act of 1964 and 1990 as amended and R.I.C.O. the Racketeering Influence and Corrupt Organization, 18 U.S.C. ch. 96.